

**SEVENTY-FIFTH DAY.**

(Continued.)

Senate Chamber,  
Austin, Texas,  
May 31, 1933.

The Senate met at 9:30 o'clock a. m., pursuant to recess, and was called to order by Lieutenant Governor Edgar E. Witt.

**Free Conference Granted.**

On motion of Senator Collie, the Senate granted the request of the House for a free conference committee on H. B. No. 322.

The Chair appointed the following on the part of the Senate:

Collie, Poage, Sanderford, Redditt, and Moore.

**Senate Bill No. 412.**

Senator Woodruff called up from the Journal the motion to reconsider the vote by which the free conference committee report on S. B. No. 412 was adopted. The motion was lost by the following vote:

**Yeas—14.**

Beck.	Poage.
Collie.	Purl.
DeBerry.	Rawlings.
Holbrook.	Regan.
Neal.	Woodruff.
Oneal.	Woodul.
Patton.	Woodward.

**Nays—16.**

Blackert.	Murphy.
Duggan.	Pace.
Fellbaum.	Parr.
Greer.	Redditt.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.

**Absent—Excused.**

Cousins.

**Message From the House.**

Hall of the House of Representatives,  
Austin, Texas, May 31, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has refused to concur in Senate amendments to H. B. No. 322 by a

vote of 66 yeas and 51 nays, and requests the appointment of a conference committee to adjust the differences between the two houses. The following are appointed on the part of the House:

Chastain, Wagstaff, Aiken, Harris and Smith.

The House has concurred in Senate amendments to H. B. No. 896 by a vote of 105 yeas, 0 nays.

The House has passed the following bills:

S. B. No. 355, A bill to be entitled "An Act to amend Article 5561 of the Revised Civil Statutes of the State of Texas, 1925, as amended by the Acts of the Forty-first Legislature, passed at its First Called Session, and found in the published laws of said Session, Chapter 101, page 243 and 244, providing that officers in lunacy cases shall be allowed the same fees as are now allowed for similar services performed in misdemeanor cases and the jurors shall each be allowed a fee of \$1.00 (one dollar), to be paid out of the estate of the defendant if he have an estate, otherwise by the county on accounts approved by the county judge, and declaring an emergency."

H. B. No. 501, A bill to be entitled "An Act to amend Section 2 of Chapter 91 of the Acts of the Thirty-seventh Legislature, being 'An Act defining live stock commission merchants; requiring such merchants to give bond; providing for the renewal of such bond; the approval and recording of the same; imposing penalties for pursuing the occupation of a live stock commission merchant when bond has not been made or renewed,' etc., and declaring an emergency."

H. B. No. 861, A bill to be entitled "An Act ratifying and confirming a compact entered into by and between representatives of the State of Texas and the State of New Mexico, authorized by Act of the Regular Session of the Forty-second Legislature, and approved by the Governor on May 27, 1931, as shown in Chapter 251, Acts of the Forty-second Legislature."

H. B. No. 924, A bill to be entitled "An Act amending Article 7256 of the 1925 Revised Civil Statutes of Texas, so as to provide that in all counties containing a city, other than the county seat, in excess of seven thousand (7,000) inhabitants according to the last preceding census,

the tax collector, with the consent and approval of the commissioners court of said county may appoint a deputy tax collector in such town or city, etc.; and declaring an emergency."

S. B. No. 567, A bill to be entitled "An Act reorganizing and changing the terms of court of the Thirtieth Judicial District by amending Subdivision 30 of Article 199, Revised Civil Statutes of 1925; validating service and process, and declaring an emergency."

(With amendments.)

S. B. No. 62, A bill to be entitled "An Act defining the meaning of practicing law and prohibiting corporations and all other persons or associations from practicing law in Texas except licensed attorneys of the Bar of Texas, and providing penalties for violation of this Act, and making any agreement in violation of this Act illegal and unenforceable, and prohibiting the recovery of any compensation rendered in violation of this Act and making all persons, corporations, and association of persons violating this Act liable for loss, damage, or injury to any person, corporation, or association of persons, without showing that said loss was due to negligence; and declaring an emergency."

(With amendments.)

S. B. No. 392, A bill to be entitled "An Act authorizing and empowering the State Highway Commission to exchange land or interests heretofore conveyed to the State of Texas either for right-of-way, or for the use of the people of Texas for camping accommodations and party purposes under the provisions of the Act known and published as Chapter 37 of the General and Special Laws of the First Called Session of the Fortieth Legislature, page 110, for other lands or interests therein adjacent to or accessible from the State highway referred to in said Act, and declaring an emergency."

Respectfully submitted,

LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

#### S. C. R. No. 84.

Senator Fellbaum sent up the following resolution:

Whereas, Senate Bill No. 209, as presented by the Free Conference Committee on said bill and as adopted by the Senate and the House

of Representatives, inadvertently contains a typographical error; therefore, be it

Resolved by the Senate, the House of Representatives concurring, That the Enrolling Clerk of the Senate be and he is hereby instructed to make the following corrections in said bill:

By striking out of Article 3883, page 13, lines four and five of said article, as same appears in the above report, the words "and county attorney."

By adding after the word "each" in line 16, page 14, the following "He may appoint one investigator, who shall receive a salary, not to exceed eighteen hundred dollars (\$1800.00) per annum. He may appoint one stenographer, who shall receive a salary not to exceed sixteen hundred and twenty dollars (\$1620.00) per annum. He may appoint one abstractor, who shall receive a salary not to exceed twenty-four hundred dollars (\$2400.00) per annum."

By inserting after the word "constable," in line 3, page 8, the following:

"Except as provided in Article 3886, as herein amended."

FELLBAUM.

Read and adopted.

#### Motion to Suspend Regular Order.

Senator Oneal moved to suspend the regular order of business in order to permit joint resolutions to be taken up in advance of other bills. The motion was lost by the following vote:

Yeas—18.

Beck.	Pace.
Collie.	Patton.
Duggan.	Poage.
Greer.	Regan.
Martin.	Russek.
Moore.	Small.
Murphy.	Stone.
Neal.	Woodruff.
Oneal.	Woodward.

Nays—11.

Blackert.	Purl.
DeBerry.	Rawlings.
Fellbaum.	Redditt.
Holbrook.	Sanderford.
Hornsby.	Woodul.
Parr.	

Absent.

Hopkins.

**Absent—Excused.**

Cousins.

(Two-thirds vote required.)

**Motion to Concur.**

Senator Woodward moved to concur in the five House amendments to S. B. No. 62. The motion prevailed by the following vote:

**Yeas—24.**

Beck.	Poage.
Blackert.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Neal.	Stone.
Oneal.	Woodruff.
Parr.	Woodul.
Patton.	Woodward.

**Nays—5.**

Collie.	Murphy.
DeBerry.	Pace.
Moore.	

Absent.

Hopkins.

Absent—Excused.

Cousins.

**Bills Signed.**

The chair, Lieutenant Governor Edgar E. Witt, gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills:

S. B. No. 191.	H. B. No. 256.
S. B. No. 283.	H. B. No. 560.
S. B. No. 514.	H. B. No. 896.
S. B. No. 546.	S. B. No. 412.

**House Bills Referred.**

H. B. No. 501, referred to Committee on Stock and Stock Raising.

H. B. No. 924, referred to Committee on State Affairs.

H. B. No. 861, referred to Committee on Educational Affairs.

**Motion to Concur.**

On motion of Senator Patton the Senate concurred in the two House amendments to S. B. No. 379 by the following vote:

**Yeas—26.**

Beck.	Patton.
Blackert.	Poage.
Collie.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Hornsby.	Russek.
Martin.	Sanderford.
Moore.	Small.
Murphy.	Stone.
Neal.	Woodruff.
Pace.	Woodul.
Parr.	Woodward.

**Nays—2.**

DeBerry.	Holbrook.
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Present—Not Voting.

Oneal.

Absent.

Hopkins.

Absent—Excused.

Cousins.

**Motions to Recess and Adjourn.**

Senator Woodruff moved to adjourn until 10:06 o'clock a. m.

Senator Purl moved to recess until 10:19 o'clock a. m.

Senator Oneal moved to adjourn until 10:12 o'clock a. m.

Senator Rawlings moved to recess until 10:20 o'clock a. m. The motion was lost by the following vote:

**Yeas—13.**

Beck.	Patton.
Fellbaum.	Purl.
Greer.	Rawlings.
Holbrook.	Redditt.
Hornsby.	Sanderford.
Martin.	Woodul.
Parr.	

**Nays—16.**

Blackert.	Pace.
Collie.	Poage.
DeBerry.	Regan.
Duggan.	Russek.
Hopkins.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Oneal.	Woodward.

Present—Not Voting.

Neal.

Absent—Excused.

Cousins.

The motion to adjourn until 10:12 o'clock a. m., was lost by the following vote:

Yeas—12.

Collie.	Regan.
Duggan.	Russek.
Hopkins.	Small.
Moore.	Stone.
Oneal.	Woodruff.
Poage.	Woodward.

Nays—17.

Beck.	Pace.
Blackert.	Parr.
DeBerry.	Patton.
Fellbaum.	Purl.
Greer.	Rawlings.
Holbrook.	Redditt.
Hornsby.	Sanderford.
Martin.	Woodul.
Murphy.	

Present—Not Voting.

Neal.

Absent—Excused.

Cousins.

#### Message from the House.

Hall of the House of Representatives,  
Austin, Texas, May 31, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 248, A bill to be entitled "An Act to amend Article 5160 of the Revised Civil Statutes, of 1925, as amended by the Acts of the Fortieth Legislature of 1927, First Called Session, page 114, Chapter 39, Section 1, and as amended by the Acts of the Forty-first Legislature of 1929, page 481, Chapter 226, Section 1, providing for more adequate regulations in connection with bonds where contracts are entered into with this State or any subdivision thereof for the prosecution and completion of any public work, and fixing a lien in favor of the laborers and materialmen, and declaring an emergency."

S. B. No. 239, A bill to be entitled "An Act providing that the State Board of Control shall furnish proposals to those making application therefor in all cases where contracts are to be made; providing for an

annual service charge for placing the names of prospective bidders on the State mailing list; allowing said Board to make a service charge for proposals to those who are not on the mailing list, or to forego such charges and accept bids and award contracts where a hardship might be worked on a particular bidder or class of bidders; providing that the amount collected shall be deposited in the State Treasury in the name of the 'State Board of Control Special Service Account,' and used to defray all necessary charges and expenses in connection with the furnishing or sending out of said proposals, and declaring an emergency."

S. B. No. 171, A bill to be entitled "An Act to prohibit the purchase of motor vehicles by State officers or employees in all cases where no specific appropriation has been made authorizing the same; providing that the Comptroller be prohibited from issuing or paying any warrant in violation of this Act; limiting the price to be paid for any motor vehicle or automobile; and declaring an emergency."

(With amendments.)

Respectfully submitted,  
LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

#### Motion to Concur.

Senator Oneal moved to concur in the House amendment to S. B. No. 567. The motion prevailed by the following vote:

Yeas—30.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
DeBerry.	Poage.
Duggan.	Purl.
Fellbaum.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

Absent—Excused.

Cousins.

**House Bill No. 5.**

Senator Purl called up from the table the following bill:

H. B. No. 5, A bill to be entitled "An Act to provide that no lease of any school or asylum land in which the State has a reservation of mineral shall be effective until filed in the General Land Office; and to provide that said lease be void unless it shall state the true considerations and terms and be accompanied by an affidavit by the owner that the terms and consideration in said lease are true and correct."

Read second time.

The committee amendment was lost.

Senator Purl sent up the following amendment:

Amend H. B. No. 5, Section 1, line 38, by inserting between the words "no" and "lease" the word "mineral."

PURL.

Read and adopted by the following vote:

Yeas—22.

Beck.	Pace.
Blackert.	Poage.
Collie.	Purl.
Duggan.	Redditt.
Fellbaum.	Regan.
Holbrook.	Sanderford.
Hornsby.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

Nays—1.

Parr.

Present—Not Voting.

DeBerry. Martin.

Absent.

Greer. Rawlings.  
Hopkins. Russek.  
Patton.

Absent—Excused.

Cousins.

Senator Purl sent up the following amendment:

Amend H. B. No. 5, lines 21 to 24, page 2, by striking out the last sentence of Section 1, as passed by

the House, and insert the following as the last sentence of Section 1:

"All oil and gas leases, assignments of leases and releases of any State school or asylum land in which the State has a reservation of the minerals shall be filed in the General Land Office within one hundred and twenty days of the date of execution thereof and shall be accompanied by an affidavit by the owner stating the true consideration paid or contracted to be paid for the lease."

PURL.

Read and adopted.

The bill was passed to third reading.

Senator Purl moved to suspend the constitutional rule requiring bills to be read on three several days. The motion was lost by the following vote:

Yeas—16.

Blackert.	Oneal.
DeBerry.	Pace.
Holbrook.	Patton.
Hornsby.	Poage.
Martin.	Purl.
Moore.	Redditt.
Murphy.	Sanderford.
Neal.	Woodruff.

Nays—12.

Collie.	Regan.
Duggan.	Russek.
Fellbaum.	Small.
Hopkins.	Stone.
Parr.	Woodul.
Rawlings.	Woodward.

Absent.

Beck. Greer.

Absent—Excused.

Cousins.

(Four-fifths vote required.)

**Executive Session Set.**

On motion of Senator Martin, the Senate voted to go into executive session at 5 o'clock p. m. today.

**House Bill No. 91.**

Senator DeBerry called up from the table the following bill:

H. B. No. 91, A bill to be entitled "An Act fixing the salary of the official court reporter in each judicial

district composed of one county only, and in which county there is only one district court; and also in each judicial district composed of two or more counties; and also in each judicial district composed of one county, which county composes also a portion of another judicial district, etc., and declaring an emergency."

Committee Amendment No. 1 was read and adopted.

Senator DeBerry asked to be recorded as voting "No."

Committee Amendment No. 2 was read.

Senator Rawlings sent up the following amendment to the amendment:

Amend the Woodul amendment by striking out the words and figures "350,000 population" to "150,000 population."

RAWLINGS,  
PURL.

Read and adopted.

The amendment as amended was adopted.

Senator DeBerry asked to be recorded as voting "No."

Committee Amendment No. 3 was read and adopted.

Senator DeBerry asked to be recorded as voting "No."

Committee Amendment No. 4 was read and adopted.

Senator DeBerry asked to be recorded as voting "No."

Committee Amendment No. 5 was read and adopted.

Senator DeBerry asked to be recorded as voting "No."

The bill was passed to third reading.

On motion of Senator DeBerry the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 91 was put on its third reading and final passage by the following vote:

Yeas—30.

Beck.	Moore.
Blackert.	Murphy.
Collie.	Neal.
DeBerry.	Oneal.
Duggan.	Pace.
Fellbaum.	Parr.
Greer.	Patton.
Holbrook.	Poage.
Hopkins.	Purl.
Hornsby.	Rawlings.
Martin.	Redditt.

Regan.	Stone.
Russek.	Woodruff.
Sanderford.	Woodul.
Small.	Woodward.

Absent—Excused.

Cousins.

Read third time and finally passed by the following vote:

Yeas—29.

Beck.	Parr.
Blackert.	Patton.
Collie.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.
Pace.	

Nays—1.

Hopkins.

Absent—Excused.

Cousins.

#### House Bill No. 958.

The Chair laid before the Senate by unanimous consent the following bill:

H. B. No. 958, A bill to be entitled "An Act authorizing any governmental agency and/or municipality of the State of Texas heretofore authorized to borrow money from the Reconstruction Finance Corporation under Acts of the Forty-third Legislature and prior Acts to also borrow money in accordance with the provisions of the several Acts of the Forty-third Legislature and prior Acts from any other Federal agency now or to be hereafter created, and declaring an emergency."

The bill was read second time and passed to third reading.

On motion of Senator Woodul the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 958 was put on its third reading and final passage by the following vote:

## Yeas—28.

Beck.	Parr.
Blackert.	Patton.
DeBerry.	Poage.
Duggan.	Purl.
Fellbaum.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Neal.	Woodruff.
Oneal.	Woodul.
Pace.	Woodward.

## Nays—2.

Collie.	Murphy.
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## Absent—Excused.

Cousins.

Read third time and finally passed  
by the following vote:

## Yeas—25.

Beck.	Poage.
Blackert.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Neal.	Woodruff.
Oneal.	Woodul.
Parr.	Woodward.
Patton.	

## Nays—5.

Collie.	Murphy.
DeBerry.	Pace.
Moore.	

## Absent—Excused.

Cousins.

## H. J. R. No. 30.

The Chair laid before the Senate  
by unanimous consent the following  
resolution:

H. J. R. No. 30, Proposing an  
amendment to Article VII, of the  
Constitution of the State of Texas,  
so as to authorize the taxation of  
lands belonging to the University of  
Texas, for county, or school district  
purposes; and providing for valua-  
tion of these lands by State Tax  
Board; and providing for the pay-  
ment of such taxes by the State of

Texas, to the proper authorities of  
the counties where said lands are  
located; providing for an election  
upon such proposed constitutional  
amendment, and making an appro-  
priation therefor."

Read third time and finally passed  
by the following vote:

## Yeas—27.

Beck.	Parr.
Blackert.	Patton.
Collie.	Poage.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.
Pace.	

## Nays—3.

DeBerry.	Purl.
Murphy.	

## Absent—Excused.

Cousins.

## Message from the House.

Hall of the House of Representatives,  
Austin, Texas, May 31, 1933.  
Hon. Edgar E. Witt, President of the  
Senate.

Sir: I am directed by the House  
to inform the Senate that the House  
has passed the following bills and  
resolution:

S. C. R. No. 84, Authorizing the  
Enrolling Clerk of the Senate to  
make certain corrections in S. B. No.  
209, with amendment.

S. B. No. 145, A bill to be entitled  
"An Act making it unlawful to con-  
nect to or tap or drill into any pipe  
line or other conduit through which  
crude oil, naphtha, gas, casinghead  
gas or any of the manufactured or  
natural products thereof is trans-  
ported, and declaring such Acts to  
be felonies, prescribing a penalty  
therefor, and declaring an emer-  
gency."

S. B. No. 504, A bill to be entitled  
"An Act to prevent fraud and de-  
ception in the sale, and offering for  
sale, of rebuilt electric storage bat-

teries; and prescribing penalties for the violation thereof."

Respectfully submitted,  
LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

### H. J. R. No. 2.

Senator Oneal called up from the table the following resolution:

H. J. R. No. 2, Proposing an amendment to Section 26, of Article III, of the Constitution of Texas, by adding thereto Section 26(a), providing that by no apportionment shall any county be entitled to more than six Representatives unless the population of such county shall exceed six hundred thousand people, etc."

### House Bill No. 940.

The Chair laid before the Senate by unanimous consent the following bill:

H. B. No. 940, A bill to be entitled "An Act granting the Board of Control, with the Governor's approval, the right and power to sell not more than ten (10) acres of the land owned by the Gilmer State Orphanage; and declaring an emergency."

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to third reading.

On motion of Senator Pace the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 940 was put on its third reading and final passage by the following vote:

#### Yeas—30.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
DeBerry.	Poage.
Duggan.	Purl.
Fellbaum.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

#### Absent—Excused.

Cousins.

Read third time and finally passed.

Senators Purl and DeBerry asked to be recorded as voting "No."

### House Bill No. 783.

The Chair laid before the Senate by unanimous consent the following bill:

H. B. No. 783, A bill to be entitled "An Act repealing Article 5565, of the 1925 Revised Civil Statutes of Texas, and declaring an emergency." (Relative to appointment of gin inspectors.)

The two committee amendments were adopted.

The bill was read second time and passed to third reading.

On motion of Senator DeBerry the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 783 was put on its third reading and final passage by the following vote:

#### Yeas—30.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
DeBerry.	Poage.
Duggan.	Purl.
Fellbaum.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

#### Absent—Excused.

Cousins.

Read third time and finally passed.

### Requests to Take Up Bills.

Senator Greer asked unanimous consent to take up out of its regular order H. B. No. 528.

Objection was heard.

Numerous other requests to take up bills out of their regular order were objected to.

Senator Woodward raised the point of order that, the hour for sine die adjournment having been set for 12 o'clock noon tomorrow and it now being 12 o'clock noon, the

twenty-four hour rule automatically went into effect and no further vote could be taken on any bill.

The Chair, Lieutenant Governor Edgar E. Witt, sustained the point of order.

#### Senate Simple Resolution No. 127.

Senator Woodruff sent up the following resolution:

Whereas, The Regular Session of the Forty-third Legislature is about to adjourn, and the Senate of Texas desires to express to the Press its appreciation of the publicity given to the sessions and the progress of legislative measures under consideration therein; and

Whereas, The Press has, at all times, given careful thought and preparation to the collection and dissemination of news in a manner helpful not only to the people of this State and Nation, but to the members of the Legislature, in following the legislation introduced and considered on the floor and in the committee hearings; and

Whereas, They have in a thorough and impartial way kept their readers informed of the problems confronting the State and Nation, by news items, special articles and editorial comment; and

Whereas, Without the aid of the Press, this Legislature could not have known of the far-reaching effect certain measures might have on the citizens of this State and Nation, nor of the sentiment of the people as a whole with reference to these measures. Therefore, be it

Resolved by the Senate of Texas, That this body go on record as expressing its appreciation of the splendid cooperation of the Press during the Regular Session of the Forty-third Legislature of Texas, and that this resolution be printed in the Senate Journal.

WOODRUFF,  
FELLBAUM.

Read and adopted.

#### Resolution Referred.

H. C. R. No. 101, referred to Committee on Federal Relations.

#### Recess.

On motion of Senator Russek, the Senate, at 12:02 o'clock p. m., recessed until 2 o'clock p. m.

#### After Recess.

The Senate met at 2 o'clock p. m., pursuant to recess, and was called to order by President Pro Tem. Walter Woodul.

#### Free Conference Report.

Senator Collie sent up the following free conference committee reports:

#### Committee Room,

Austin, Texas, May 31, 1933.

Hon. Edgar E. Witt, President of the Senate.

Hon. Coke R. Stevenson, Speaker of the House of Representatives.

Sirs: We, your Conference Committee, appointed to adjust the differences between the House and Senate on H. B. No. 322, beg leave to submit the following report:

We have had H. B. No. 322 under consideration, and recommend the adoption of the attached bill:

By Chastain, Wagstaff, et al. H. B. No. 322.

#### A BILL

#### To Be Entitled

An Act to fix the tuition to be collected from students registering in the schools of collegiate rank supported in whole or in part by appropriation of public funds from the State Treasury; providing all tuition, local funds and fees be retained and expended by such institutions and accounted for annually as provided in the General Appropriation Bill; repealing all laws and parts of laws in conflict herewith, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. The governing boards of the several institutions of collegiate rank supported in whole or in part by public funds appropriated from the State Treasury shall cause to be collected from students registering in the said schools after September 1, 1933, tuition at the following rates:

1. From each resident student, who registers for twelve (12) or more semester hours of work per semester of four and one-half (4½) months, twenty-five dollars (\$25.00) per semester; or, who registers for

twelve (12) or more term hours of work per term of three (3) months, sixteen dollars and sixty-seven cents (\$16.67) per term.

2. From each non-resident student, who registers for twelve or more semester or term hours of work an amount equivalent to the amount charged students from Texas by similar schools in the State of which the said non-resident student shall be a resident, said amount to be determined and fixed by the governing boards of the several institutions in which said students may register, but in no event shall such amount be less than that charged to students resident in Texas. Provided, however, that if this paragraph shall be held to be unconstitutional or void from any cause, there shall be collected from each non-resident student the sum of one hundred dollars (\$100.00) for each semester or sixty-six dollars and sixty-seven cents (\$66.67) for each term. A non-resident student is hereby defined to be a student of less than twenty-one (21) years of age, living away from his family and whose family resides in another state, or whose family has resided within this State for a period of time less than twelve (12) months prior to the date of registration, or a student of twenty-one (21) years of age or over who resides out of the State or who has resided within the State for a period of less than twelve (12) months prior to the date of registration.

3. From each resident or non-resident student who registers for less than twelve (12) semester or term hours of work, a sum proportionately less than that hereinabove prescribed therefor, provided each student registered shall pay no less than seven dollars and fifty cents (\$7.50) per semester nor less than five dollars (\$5.00) per term.

4. From each student registering for a summer session, such amount as shall be fixed by the governing board of such institution, but in no event less than twenty dollars (\$20.00) for a twelve (12) weeks term nor more than thirty-five dollars (\$35.00) for a twelve (12) weeks term.

5. The foregoing provisions, requiring the governing boards to collect tuition, shall not be interpreted

as depriving the said boards of the right to collect such library, laboratory, and other fees as they are now permitted by law to collect.

Sec. 2. All tuition, local funds and fees collected by such institutions shall be retained and expended by such institutions and accounted for annually as provided in the General Appropriation Bill. Provided that laboratory fees or charges shall only cover actual materials and supplies used by a student.

Sec. 3. All laws and parts of laws in conflict with the provisions herein are hereby repealed.

Sec. 4. The crowded condition of the calendar and the fact that the State has no law requiring students in institutions of collegiate rank to pay adequate tuition and the further fact that the depleted condition of our Treasury create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each House, the further constitutional rule as to time when laws take effect, be suspended and each of them is hereby suspended, this Act shall take effect and be in full force and effect from and after its passage, and it is so enacted.

Respectfully submitted,

COLLIE,  
SANDERFORD,  
POAGE,  
MOORE,

On the part of the Senate.

CHASTAIN,  
WAGSTAFF,  
HARRIS,  
AIKIN,  
SMITH,

On the part of the House.

The report was read.

Senator Hornsby raised the point of order that a quorum was lacking.

The roll call showed the following present:

Beck.	Murphy.
Blackert.	Neal.
Collie.	Oneal.
DeBerry.	Pace.
Duggan.	Parr.
Fellbaum.	Patton.
Greer.	Poage.
Holbrook.	Purl.
Hornsby.	Rawlings.
Moore.	Redditt.

Regan.	Stone.
Russek.	Woodruff.
Sanderford.	Woodul.
Small.	Woodward.

Absent.

Hopkins.	Martin.
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Absent—Excused.

Cousins.

Senator Woodruff moved to lay the report on the table subject to call. The motion prevailed by the following vote:

Yeas—16.

DeBerry.	Patton.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Hornsby.	Small.
Moore.	Stone.
Neal.	Woodruff.
Pace.	Woodward.

Nays—9.

Collie.	Purl.
Holbrook.	Russek.
Oneal.	Sanderford.
Parr.	Woodul.
Poage.	

Absent.

Beck.	Martin.
Blackert.	Murphy.
Hopkins.	

Absent—Excused.

Cousins.

#### Message From the House.

Hall of the House of Representatives,  
Austin, Texas, May 31, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolution:

H. C. R. No. 112, Suspending Joint Rule No. 11 in so far as it affects H. B. No. 954.

The House has adopted the conference committee report on House Bill No. 555 by a viva voce vote.

The House has passed the following bills:

S. B. No. 296, A bill to be entitled "An Act to amend Chapter 97, of the General Laws of the Forty-second Legislature, Regular Session, regulating the production, sale, dispensation and other traffic in nar-

cotic drugs as defined herein; making exception; providing for the identification of said drugs and the containers thereof and for the execution of prescriptions and orders therefor; providing for the confinement, treatment and parole of persons addicted to such drugs; providing for the making of reports by persons affected by this Act; providing for the revocation of the licenses of physicians for violating the provisions hereof; regulating the planting, cultivating and use of drug producing plants and declaring as common nuisances places resorted to by drug addicts and prohibiting the visiting of such places; providing for the seizure of conveyances of said drugs; providing generally the means and method of enforcement and for the prosecution and confinement of persons violating the provisions hereof; providing for presumptions and burden of proof; prescribing offenses, fines, penalties and punishment; providing for the adoption of rules and regulations and for the enforcement of certain provisions by the State Board of Health and the State Health Officer and for the seizure of drugs; repealing all laws and parts of laws in conflict therewith, and declaring an emergency."

S. B. No. 481, A bill to be entitled "An Act releasing the liens held by the several counties of the State, evidenced by vendor's lien notes, deeds of trust, or other memorandum of record heretofore retained by said counties to secure the payment of all purchase money for school lands purchased from said counties, and declaring an emergency."

Respectfully submitted,  
LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

#### Senate Simple Resolution No. 128.

Senator Parr sent up the following resolution:

Whereas, Mrs. R. F. Martin of Crystal City is now in the city, and  
Whereas, Mrs. Martin represents charitable organizations of Zavala County, now therefore be it

Resolved, That she be invited to address the Senate at this time.

PARR.

Read and adopted.

**Mrs. Martin Addresses Senate.**

The Chair appointed Senators Parr, Hornsby, and Purl to escort Mrs. Martin to the platform.

The Chair introduced Senator Parr, who introduced Mrs. Martin. Mrs. Martin briefly addressed the Senate.

Senator Woodward moved that the Chair appoint a committee of three, at least two of whom will return to the next regular session of the Legislature, to investigate the matter of designating a farm in Zavala county as a home for the aged.

The Chair appointed Senators Parr, Pace, and Redditt.

**S. C. R. No. 85.**

Senator Neal sent up the following resolution:

Be It Resolved By the Senate, the House of Representatives concurring, That Joint Rule No. 11, same being the twenty-four hour rule, be suspended, and that the Legislature be allowed to pass bills beyond that time.

NEAL,  
BLACKERT.

The resolution was read.

Senator Woodruff sent up the following substitute for the resolution:

Substitute for the Neal concurrent resolution, that sine die adjournment be reset for Saturday noon June 3, 1933.

WOODRUFF.

The substitute was read.

Senator Hopkins raised the point of order that the Legislature could not re-set sine die adjournment.

Senator DeBerry raised the point of order that the substitute was not germane.

The Chair, President Pro Tem. Walter Woodul, sustained the point of order.

The resolution was lost by the following vote.

**Yeas—11.**

Beck.	Oneal.
Blackert.	Poage.
Duggan.	Rawlings.
Holbrook.	Regan.
Hornsby.	Woodruff.
Neal.	

**Nays—17.**

Collie.	Purl.
DeBerry.	Redditt.
Fellbaum.	Russek.
Hopkins.	Sanderford.
Martin.	Small.
Murphy.	Stone.
Pace.	Woodul.
Parr.	Woodward.
Patton.	

**Absent.**

Greer.	Moore.
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**Absent—Excused.**

Cousins.

Senator Redditt, moved to reconsider the vote by which the resolution was lost.

Senator Hopkins moved to table the motion to reconsider. The motion prevailed.

Senator Blackert asked to be recorded as voting "No."

**Reason for Vote.**

I voted no on the motion to conclude our legislative session as I feel that an injustice was perpetuated when DeWitt County was taken from the 9th Congressional District and placed in the 14th Congressional District, and I desire this additional time to get congressional district bill No. 224 out of the committee and place it before the Senate for action. The failure to extend the legislative day for 24 hours makes this action impossible.

BLACKERT.

**Senate Simple Resolution No. 129.**

Senator DeBerry sent up the following resolution:

Whereas, The Government of the United States has contracted for the construction of a National Archives Building to be completed not later than January 1, 1935; and

Whereas, An administration headed by an archivist of the United States must soon be provided by law; and

Whereas, Dr. Thomas P. Martin, a native and a citizen of this State of Texas, is, in the opinion of many archivists and historians through the United States, eminently qualified by education and experience to fill the position of Archivist, when that position shall have been created by law; therefore be it

Resolved by the Senate of Texas now in Session, That we endorse Dr. Thomas P. Martin for appointment as Archivist of the United States, and that as a token of our respect, admiration and esteem of our fellow Texan that an enrolled copy of this resolution be forwarded by the Secretary of the Senate to the Vice-President of the United States, Hon. John Garner, and to Senators Tom Connally and Morris Sheppard.

DeBERRY.

Read and adopted.

#### Free Conference Report.

Senator Fellbaum sent up the following Free Conference Committee report:

Committee Room,  
Austin, Texas, May 31, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Hon. Coke R. Stevenson, Speaker of the House of Representatives.

Sirs: We, your Conference Committee, appointed to adjust the differences on H. B. No. 867, beg leave to report that the committee is divided and is unable to agree on a report, and respectfully request the appointment of another conference committee.

ENGELHARD,  
DEAN,  
GOOD,  
JONES of Atascosa,  
BURNS.  
On part of the House.  
FELLBAUM,  
POAGE,  
ONEAL,  
HORNSBY,  
BLACKERT.

On part of the Senate.

Read and adopted.

The Chair appointed the following on the part of the Senate:

Senators Fellbaum, Poage, Oneal, Hornsby and Blackert.

#### S. C. R. No. 86.

Senator Neal sent up the following resolution:

Be it Resolved by the Senate, the House of Representatives concurring, That Joint Rule No. 11, same being the twenty-four hour rule, be suspended for the passage of two local bills only, same being H. B. No. 393 and H. B. No. 936.

NEAL.

The resolution was read.

Senator Woodward raised the point of order that, since the Senate had defeated a resolution to suspend the rule on all bills, any resolution applying to particular bills was out of order.

The Chair, Senator Redditt, sustained the point of order.

#### Motion to Concur.

Senator Fellbaum moved to concur in the House amendment to S. C. R. No. 84.

On motion of Senator Purl, the motion was laid on the table subject to call.

#### H. C. R. No. 112.

The Chair laid before the Senate H. C. R. No. 112, Suspending Joint Rule No. 11 on H. B. No. 954.

Read and lost by the following vote:

#### Yeas—13.

Beck.	Oneal.
Blackert.	Parr.
Duggan.	Poage.
Fellbaum.	Rawlings.
Greer.	Small.
Hornsby.	Woodruff.
Neal.	

#### Nays—16.

Holbrook.	Redditt.
Hopkins.	Regan.
Martin.	Russek.
Moore.	Sanderford.
Murphy.	Stone.
Pace.	Woodul.
Patton.	Woodward.
Purl.	

#### Absent.

DeBerry.

#### Absent—Excused.

Collie.	Cousins.
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#### Bills Signed.

The Chair, Lieutenant Governor Edgar E. Witt, gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills:

S. B. No. 239.	S. C. R. No. 62.
S. B. No. 392.	S. B. No. 504.
S. B. No. 370.	S. B. No. 145.
S. B. No. 355.	S. B. No. 567.

**President Pro Tem. Ad Interim.**

Senator Woodruff nominated Senator Poage for President Pro Tem. Ad Interim.

Senator Woodul nominated Senator Patton. The nomination was seconded by Senator Beck.

Senator Holbrook nominated Senator Purl.

Senator Woodruff withdrew his nomination.

Senator Russek seconded the nomination of Senator Patton.

Senators Woodward and DeBerry seconded the nomination of Senator Purl.

Senator Small nominated Senator Hornsby.

The Chair appointed Senators Pace, Regan, and Duggan as tellers.

The tellers announced the following results:

Senator Patton—12 votes.  
 Senator Purl—10 votes.  
 Senator Hornsby—6 votes.

The Chair announced that a run-off would be necessary.

The tellers announced the following results:

Senator Patton ..... 16 votes.  
 Senator Purl ..... 12 votes.

The Chair declared that Senator Patton had been duly elected President Pro Tem. Ad Interim.

The Chair appointed Senators Woodul and Beck to escort President Pro Tem. Ad Interim-Elect Nat Patton to the platform where the Chair administered the oath of office.

The Chair introduced President Pro Tem. Ad Interim Nat Patton, who briefly addressed the Senate.

**Message From the House.**

Hall of the House of Representatives,  
 Austin, Texas, May 31, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has concurred in Senate amendments to H. B. No. 783 by a viva voce vote.

The House has adopted the conference committee report on H. B. No. 322 by a vote of 85 yeas, 18 nays.

The House has concurred in Senate amendments to H. B. No. 949 by a vote of 106 yeas, 2 nays.

The House has adopted H. C. R. No. 108, Providing for the printing

and binding of the Texas Legislative Manual of the Forty-third Legislature.

Respectfully submitted,

LOUISE SNOW PHINNEY,  
 Chief Clerk, House of Representatives.

**Free Conference Report.**

Senator Regan sent up the following Free Conference Committee report:

Committee Room,

Austin, Texas, May 30, 1933.

Hon. Edgar E. Witt, President of the Senate.

Hon. Coke R. Stevenson, Speaker of the House of Representatives.

Sirs: We, your Conferees, heretofore appointed to adjust the differences between the two houses on

H. B. No. 555, A bill to be entitled "An Act to amend Article 2350 of Title 44 of the Revised Civil Statutes of Texas, 1925, as amended by Act of the Thirty-ninth Legislature, Regular Session, Chapter 135, Section 1; and as amended by Act of the Fortieth Legislature, page 435, Chapter 490, Section 1; and as amended by Act of the Fortieth Legislature, First Called Session, page 138, Chapter 46, Section 1, relating to the salaries of county commissioners, etc.," having considered the differences between the two houses and having reached an agreement, beg leave to report that the hereto attached complete bill is the bill which we recommend to be passed by both houses.

The bill is substantially the same as the original House Bill with Senate amendments, rewritten by us so as to prevent any injustices worked against certain counties of the State which have within the past year reduced their assessed valuations.

We recommend the adoption of this report and the final passage by both houses of the attached bill:

REGAN,  
 RAWLINGS,  
 POAGE,  
 WOODRUFF,  
 SMALL,

On the part of the Senate.

HANKAMER,  
 STINSON,  
 FORD,  
 HYDER,  
 RICHARDSON,

On the part of the House.

H. B. No. 555.

## A BILL

## To Be Entitled

An Act to amend Article 2350 of Title 44 of the Revised Civil Statutes of the State of Texas, 1925, as amended by Act of the Thirty-ninth Legislature, Regular Session, Chapter 135, Section 1; and as amended by Act of the Fortieth Legislature, page 435, Chapter 490, Section 1; and as amended by Act of the Fortieth Legislature, First Called Session, page 138, Chapter 46, Section 1, relating to the salaries of county commissioners; and providing from what funds said salaries shall be paid and making certain exceptions; providing the effective date of this Act shall be January 1, 1934; repealing all laws, both general and special, and parts of laws, both general or special, in conflict herewith, and making certain exceptions; and defining term 'assessed valuation'."

Be it enacted by the Legislature of the State of Texas:

Section 1. That Article 2350, Title 44 of the Revised Civil Statutes of the State of Texas, 1925, as

amended by Act of the Thirty-ninth Legislature, Regular Session, Chapter 135, Section 1; as amended by Act of the Fortieth Legislature, page 435, Chapter 490, Section 1; and as amended by Act of the Fortieth Legislature, First Called Session, page 138, Chapter 46, Section 1, be and the same is hereby amended so as to hereafter read as follows:

Article 2350. County Commissioners Salaries. In counties having the following assessed valuations, respectively, the county commissioners of such counties shall each receive the annual salaries not to exceed the amount herein specified, said salaries to be paid in equal monthly installments, and the salary of each county commissioner shall be paid at least one-half out of the road and bridge fund, but not to exceed seventy-five per cent of said salary shall be paid out of such fund, and the remainder out of the general fund of the county; providing, however, that this provision shall not apply to counties operating under a special law covering the subject as to from what funds the salaries of county commissioners shall be paid; said annual salaries not to exceed the following, to-wit:

Assessed Valuations.	Salaries.
\$5,000,000.00 and less than \$6,500,000.00, not to exceed .....	\$ 900.00
\$6,500,000.00 and less than \$10,000,000.00, not to exceed .....	\$1080.00
Except in counties having assessed valuation of more than \$8,270,000.00 and less than \$8,300,000.00, in which counties the salaries of the county commissioners of such county shall not exceed .....	\$1200.00
\$10,000,000.00 and less than \$12,500,000.00, not to exceed .....	\$1350.00
Except in counties having assessed valuations of more than \$10,609,900.00 and less than \$10,610,000.00; and more than \$11,578,300.00, and less than \$11,578,600.00; and more than \$11,649,850.00 and less than \$11,649,950.00; and more than \$12,027,500.00 and less than \$12,027,600.00, in all of which counties of such assessed valuations the salaries of the county commissioners of such counties shall not exceed .....	\$1500.00
\$12,500,000.00 and less than \$20,750,000.00, not to exceed .....	\$1530.00
Except in counties having assessed valuations of \$18,660,000.00 and less than \$18,665,000.00 in which counties the salaries of the county commissioners of such counties shall not exceed .....	\$1800.00
\$20,750,000.00 and less than \$25,000,000.00, not to exceed .....	\$1700.00
Except in counties having assessed valuations of more than \$23,400,000.00, and less than \$23,600,000.00 in which counties the salaries of the	

Assessed Valuations.	Salaries.
county commissioners of such county shall not exceed -----	\$2000.00
\$25,000,000.00 and less than \$30,000,000.00, not to exceed -----	\$1800.00
\$30,000,000.00 and less than \$100,000,000.00, not to exceed -----	\$2040.00
Except in counties having assessed valuations of more than \$47,400,000.00 and less than \$48,000,000.00 in which counties the salaries of the county commissioners of such county shall not exceed -----	\$2400.00
And except in counties having assessed valuations of more than \$60,000,000.00 and less than \$61,000,000.00, in which counties the salaries of the county commissioners of such counties shall not exceed -----	\$2280.00
And except in counties having assessed valuations of more than \$37,500,000.00 and less than \$38,000,000.00 in which counties the salaries of the county commissioners of such counties shall not exceed -----	\$2100.00
\$100,000,000.00 and less than \$150,000,000.00, not to exceed -----	\$3,000.00
\$150,000,000.00 and less than \$290,000,000.00, not to exceed -----	\$3,600.00
\$290,000,000.00 and over, not to exceed -----	\$3,800.00

In counties having assessed valuations of less than \$5,000,000.00 each county commissioner shall receive \$5.00 per day for each day served as commissioner, and when acting as ex-officio road superintendent in his precinct, not to exceed \$720.00 in any year.

In counties having assessed valuations of \$100,000,000.00 or more said commissioners shall devote their entire time to the duties required of them by law, and such other duties as their commissioners court may require of them. "Assessed valuation" means the total assessed valuation of all properties as shown by the tax rolls, certified by the county assessor, approved by the commissioners court and approved by the Comptroller for the previous year.

Sec. 2. This law shall be effective on and after January 1, 1934.

Sec. 3. That all laws, both general or special, or parts of laws, both general or special, in conflict with the foregoing Act be, and the same are hereby expressly repealed; provided, however, that nothing herein shall affect any special road law applying to McLennan County, and providing further, that nothing herein shall affect the provisions of H. B. No. 505 enacted by the Forty-third Legislature of the State of Texas, Regular Session, which said Act amended Section 1, Chapter 213 of the Acts of the Regular Session of the Forty-second Legislature.

Read and adopted by the following vote:

Yeas—30.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
DeBerry.	Poage.
Duggan.	Purl.
Fellbaum.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

Absent—Excused.

Cousins.

#### Changes in Committee.

The Chair announced the resignation of Senators Purl and Rawlings from the Free Conference Committee on S. B. No. 338 and the appointment of Senators Poage and DeBerry as new members of the committee.

#### S. C. R. No. 82.

Senator Duggan received unanimous consent to take up:

S. C. R. No. 82, Relative to the appointment of a poet laureate of Texas.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The resolution was adopted.

#### Motion to Send Message.

On motion of Senator Neal, the Secretary was instructed to send an appropriate telegram to Senator Cousins and Mrs. Cousins.

The Chair appointed Senators Neal, Holbrook, and Beck to prepare the message.

#### Motions to Concur.

On motion of Senator Neal, the Senate concurred in the House amendment to S. B. No. 171 by the following vote:

Yeas—30.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
DeBerry.	Poage.
Duggan.	Purl.
Fellbaum.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

Absent—Excused.

Cousins.

Senator Fellbaum called up from the table the motion to concur in the House amendment to S. C. R. No. 84. The motion prevailed.

#### Resolution Referred.

H. C. R. No. 108, referred to Committee on Contingent Expense.

#### Message From the House.

Hall of the House of Representatives,  
Austin, Texas, May 31, 1933.  
Hon. Edgar E. Witt President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has concurred in Senate amendments to H. J. R. No. 30 by a vote of 112 yeas and 1 nay.

The House has reconsidered the vote by which it concurred in Senate

amendment to H. B. No. 783 by a viva voce vote.

The House has concurred in Senate amendments to House Bill No. 783 by a vote of 113 yeas and 1 nay.

Respectfully submitted,

LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

#### Bills Signed.

The Chair, Lieutenant Governor Edgar E. Witt, gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills:

S. B. No. 296.	S. C. R. No. 84.
S. B. No. 481.	H. B. No. 940.
S. B. No. 209.	H. B. No. 783.

#### Senate Simple Resolution No. 130.

Senator Woodruff sent up the following resolution:

Whereas, There is always certain work to be performed by various officials and employees of the Senate, after the adjournment of the session; and

Whereas, In the past it has been the custom of the Senate to employ a large number of employees and officials for a considerable length of time after the adjournment at an unnecessarily large expense to the State; and

Whereas, It is now the desire of the Senate to employ only such help as may be necessary to properly complete the work of the Session at a reasonable expense; Therefore, be it

Resolved by the Senate of Texas, That the following named employees and no others be retained on the payroll of the Senate after final adjournment of the Regular Session of the Forty-third Legislature, and that said named employees be retained only for the number of days specified in each case, and that they receive no compensation other than as hereinafter provided, and that they and each of them shall perform the duties herein specifically assigned, and any and all such other and additional duties pertinent to the business of the Forty-third Legislature, as the President of the Senate shall direct; viz.: .

The Secretary of the Senate shall be retained for thirty days at a salary of Ten Dollars (\$10.00) per day, and he shall be allowed one secretary for twenty days at \$5.00 per day. The secretary to the Lieutenant-Governor shall be retained for thirty days and shall receive the sum of Five Dollars (\$5.00) per day.

The Journal Clerk shall be retained for 120 days at a salary of six dollars (\$6.00) per day, and he shall prepare and deliver to the public printer the Journal of the Senate, together with complete index of the same and deliver to the Secretary of State all documents, bills, papers and Journals required by law to be so delivered by him.

The Sergeant-at-Arms and two assistants shall be trained for a period of five days after adjournment, and shall place the Senate Chamber in order and close his books. There shall also be retained for four (4) days to assist the Sergeant-at-Arms, two assistants, two porters and two pages for which services the Sergeant-at-Arms shall receive six dollars (\$6.00) per day, his assistant five dollars (\$5.00) per week day, the three porters and one page three dollars (\$3.00) per day each.

The calendar clerk, the engrossing clerk and enrolling clerk and first assistant, and one secretary to each Senator shall be retained for two days after adjournment, and each shall receive for such services five dollars (\$5.00) per day, and shall close their respective records, and should the Journal of the last day not be available for mailing to the members within such time, then and in that event the Journal Clerk shall, and is hereby instructed to mail two copies thereof to each member of the Senate as soon as same is ready for mailing.

A custodian of the Senate, a head porter and a matron shall be selected and employed by the Lieutenant Governor to serve from the adjournment of the Regular Session of the Forty-third Legislature until the convening of the next Session of the Legislature, and shall perform such duties as may be prescribed by the Lieutenant Governor and shall receive compensation at the rate of \$125.00 per month, except the head porter, who shall receive \$90.00 per

month, and the matron, who shall receive \$45.00 per month.

The Chairman of the Committee on Contingent expense of the Senate is hereby directed and requested to examine all items and accounts payable out of the Contingent Expense Fund of the Forty-third Legislature and to perform such other service and duties as shall be necessary under the rulings of the Senate incident to the approval and claims of various accounts against the Senate.

The clerk of the Committee on Contingent Expense and one assistant shall be retained fifteen (15) days for the purpose of entering into the records of said committee all payments and vouchers on the Contingent Expense Fund and for the purpose of checking all accounts of the said committee and to perform such other services as the Chairman of the Committee shall direct, and shall receive for such services the sum of \$5.00 per day. Be it further

Resolved, That two hundred and fifty (250) volumes of the Senate Journal of the Regular Session of the Forty-third Legislature, when completed, shall be bound in full law sheep and one volume thus bound shall be forwarded by the Secretary of State, to each member of the Senate, to each member of the House of Representatives, to the Lieutenant Governor, and Secretary of the Senate, and the remainder shall be retained by the Secretary of State, the printing of such Senate Journal in permanent form shall be done in accordance with the provisions of this resolution, under the supervision of the Secretary of the Senate, and the Journal Clerk of the Senate; provided further that it shall be the duty of the Secretary of the State not to receive nor to receipt for said Journals, as required herein, unless and until corrected and published by pre-existing law and finally approved by the Journal Clerk of the Senate. When said Journals shall have been published in accordance with the foregoing, and the account verified and approved by the State Board of Control, the same shall be paid for out of the Contingent Expense Fund of the Regular Session of the Forty-third Legislature; provided, however, that the Chairman of the Com-

mittee on Contingent Expense shall not issue or approve a voucher for payment of said amount until the Journal Clerk shall have certified to him that said Journal has been published and delivered in accordance with the provisions set out hereinbefore.

All salaries and compensation, above provided for, shall be paid out of the contingent expense fund of the Senate upon warrant signed by the Lieutenant Governor and the Secretary of the Senate.

**WOODRUFF.**

The resolution was read.

Senator Stone sent up the following amendment:

Amend Senate Simple Resolution No. 130 as follows:

The Secretary of the Senate shall be retained for one hundred (120) twenty days at a salary of ten (\$10) dollars per week day and he is directed and instructed to straighten up and arrange and make ready the offices in the east end of the Capitol which are to be used by the Senate for the next legislative session.

**STONE.**

The amendment was read.

Senator Holbrook sent up the following amendment to the amendment:

Amend by striking out 120 days and inserting in lieu thereof 60 days.

**HOLBROOK.**

Read and lost by the following vote:

**Yeas—11.**

Blackert.	Hornsby.
Collie.	Martin.
DeBerry.	Murphy.
Duggan.	Poage.
Fellbaum.	Woodruff.
Holbrook.	

**Nays—16.**

Beck.	Redditt.
Hopkins.	Regan.
Moore.	Russek.
Pace.	Sanderford.
Parr.	Small.
Patton.	Stone.
Purl.	Woodul.
Rawlings.	Woodward.

**Present—Not Voting.**

**Greer.**

**Absent.**

**Neal.**

**Oneal.**

**Absent—Excused.**

**Cousins.**

Senator Holbrook moved to table the amendment. The motion was lost by the following vote:

**Yeas—10.**

Blackert.	Hornsby.
Collie.	Murphy.
DeBerry.	Poage.
Duggan.	Purl.
Holbrook.	Woodruff.

**Nays—18.**

Beck.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Hopkins.	Russek.
Martin.	Sanderford.
Moore.	Small.
Oneal.	Stone.
Parr.	Woodul.
Patton.	Woodward.

**Absent.**

**Neal.**

**Pace.**

**Absent—Excused.**

**Cousins.**

Senator Holbrook sent up the following amendment to the amendment:

Amend by striking out 120 days and inserting "not exceeding 90 days."

**HOLBROOK.**

Read and adopted by the following vote:

**Yeas—29.**

Beck.	Parr.
Blackert.	Patton.
Collie.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.
Pace.	

**Absent.**

Oneal.

**Absent—Excused.**

Cousins.

The amendment as amended was adopted by the following vote:

**Yeas—19.**

Beck.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Hopkins.	Russek.
Martin.	Sanderford.
Moore.	Small.
Pace.	Stone.
Parr.	Woodul.
Patton.	Woodward.
Purl.	

**Nays—9.**

Blackert.	Hornsby.
Collie.	Murphy.
DeBerry.	Poage.
Duggan.	Woodruff.
Holbrook.	

**Absent.**

Neal. Oneal.

**Absent—Excused.**

Cousins.

Senator Rawlings sent up the following amendment:

Amend by permitting Calendar Clerk to remain 10 days.

SMALL,  
RAWLINGS.

Read and adopted.

Senator Moore sent up the following amendment:

Amend resolution to provide for Mailing Clerk to remain four days at existing compensation and one assistant two days.

MOORE,  
PURL.

Read and adopted.

Senator DeBerry sent up the following amendment:

Amend S. S. R. No. 130 by striking out the following words: "and each secretary to each Senator shall be

retained for two days after adjournment and shall receive for such services Five Dollars (\$5.00) per day" lines 2, 3, page 2 of the resolution.

DeBERRY.

The amendment was read.

Senator Purl moved to table the amendment. The motion prevailed.

Senator Blackert asked to be excluded from the provision of the resolution covered by this amendment.

The resolution as amended was adopted.

Senators DeBerry and Blackert asked to be recorded as voting "No."

**Report Ordered Printed.**

Senator Woodward sent up the following special report:

Committee Room,

Austin, Texas, May 31, 1933.

Hon. Edgar E. Witt, President of the Senate.

Hon. Coke R. Stevenson, Speaker of the House of Representatives.

Sirs: In compliance with S. R. No. 67, we the undersigned, submit to the Regular Session of the Forty-third Legislature a summary of the general appropriations passed this session.

We move that same be printed in the Journals of both the Senate and the House as of the last day.

We take this opportunity of thanking all those employees of the Senate and House committees whose efforts made this work possible.

WOODWARD,  
BECK,  
REDDITT,  
WOODRUFF,  
HOLBROOK.

On part of the Senate.

KAYTON,  
HARMAN,  
GOOD,  
SCOTT,  
CHASTAIN.

On part of the House.

On motion of Senator Woodward, the Senate received the report and ordered it printed in the Journal.

## COMPARATIVE REPORT OF APPROPRIATIONS

Made by

Forty-second and Forty-third Legislatures—May 31, 1933.

### SENATE COMMITTEE.

Walter C. Woodward, Chairman.  
J. W. E. H. Beck,  
John S. Redditt.  
H. Grady Woodruff.  
T. J. Holbrook.

Harold  
W. M.  
Will  
R. H.  
O. F.

### JUDICIARY.

	Combined Totals.	
	1932 1933	1934 1935
<b>Departments.</b>		
Court of Civil Appeals, First District, Galveston .....	\$ 59,040	\$ 45,580
Court of Civil Appeals, Second District, Fort Worth.....	58,629	45,630
Court of Civil Appeals, Third District, Austin .....	57,640	45,180
Court of Civil Appeals, Fourth District, San Antonio.....	58,840	45,450
Court of Civil Appeals, Fifth District, Dallas .....	58,340	45,450
Court of Civil Appeals, Sixth District, Texarkana.....	58,540	45,450
Court of Civil Appeals, Seventh District, Amarillo.....	58,440	45,380
Court of Civil Appeals, Eighth District, El Paso.....	58,640	45,450
Court of Civil Appeals, Ninth District, Beaumont.....	57,740	45,450
Court of Civil Appeals, Tenth District, Waco.....	58,840	45,450
Court of Civil Appeals, Eleventh District, Eastland .....	60,240	45,450
Supreme Court .....	91,980	82,960
Commission of Appeals (A and B) Supreme Court Aid .....	100,440	78,640
Court of Criminal Appeals.....	88,120	65,490
Commission of Appeals, Aid to Court of Criminal Appeals.....	35,440	27,480
State's Attorney, Court of Criminal Appeals.....	11,670	10,110
Judiciary of Comptroller's Department.....	4,726,936	3,148,078
<b>Total.....</b>	<b>\$ 5,699,515</b>	<b>\$ 3,912,678</b>

# **ELEEMOSYNARY.**

Departments.	Combined Totals.	
	1932 1933	1934 1935
Abilene State Hospital	\$ 600,260	\$ 466,684
Alabama and Coushatta Indians	21,600	13,560
Austin State Hospital	1,124,744	970,148
Austin State School	677,255	446,812
Colored Orphans Home	58,320	36,760
Confederate (Men's) Home	364,600	173,506
Confederate Women's Home	128,450	82,664
Dallas State Hospital	39,500	
Deaf, Dumb and Blind Home for Colored	198,320	126,384
Galveston State Psychopathic Hospital	123,980	123,160
Girls' Training School	195,385	148,832
Home for Dependent and Neglected Children	227,699	179,488
Hospital for Crippled and Deformed Children	52,528	38,580
Juvenile Training School	468,800	310,180
Orphans' Home	554,999	372,926
Rusk State Hospital	1,093,139	751,132
San Antonio State Hospital	1,200,120	963,024
Terrell State Hospital	1,000,420	853,648
Tuberculosis Sanitorium	863,380	589,996
Wichita Falls State Hospital	1,028,950	805,861
School for Blind	278,030	191,625
School for Deaf	485,902	360,714
<b>Totals</b>	<b>\$10,786,383*</b>	<b>\$ 8,005,684</b>

\* \$2.00 difference due to odd cents.

# DEPARTMENTAL.

Departments.	Combined Totals.	
	1932 1933	1934 1935
Adjutant General .....	\$ 1,035,466	\$ 625,450
Agriculture .....	340,840	223,280
Attorney General .....	310,339	235,360
Auditor .....	203,400*	83,210
Banking .....	341,752	200,540
Barber Examiners .....	78,300	80,200
Board of Control .....	505,974	388,575
Board of Health .....	522,618	377,660
Board of Insurance Commissioners .....	651,167	535,550
Board of Medical Examiners .....	12,148*	22,340
Board of Mineral Development .....	59,999	
Board of Pardons .....	32,600	23,220
Board for Lease of University Lands .....		2,960
Board of Water Engineers .....	150,548	77,340
Bureau of Labor Statistics .....	68,600	58,040
Comptroller .....	828,390	661,524
Department of Education .....	155,540	128,560
Board of Education .....	20,700	16,100
Vocational Education .....	744,818	578,140
Executive Department .....	81,610	62,328
Game, Fish and Oyster .....	835,047*	187,300*
General Land Office .....	236,700	238,110*
Highway Department .....	2,132,640	1,361,300
Industrial Accident Board .....	115,130	98,860
Library and Historical Commission .....	72,160	49,300
Livestock Sanitary Commission .....	1,118,240	810,840
Prison System .....	3,770,380	3,103,540
Railroad Commission .....	1,145,886	909,430
Reclamation .....	84,700	63,300
Secretary of State .....	157,720	105,850
State Tax Board .....	11,178	9,318
State Park Board and State Parks .....	41,205	20,395

		Combined Totals.	
		1932	1934
		1933	1935
Commission for Blind .....			16,350
Treasury Department .....	251,634		140,530
Treasury Department, Special .....	50,000		28,000
Board of County and District Road Bond Indebtedness .....	25,000*		50,000
Totals .....		\$16,192,436*	\$11,572,800

Note 1—(Auditor). Oil and Gas Royalty Auditing Division transferred to Land Office.

Note 2—(Medical Examiners). Appropriation for 1932-33 covers only fraction of biennium

Note 3—(G. F. & O.). Not susceptible of comparison because 1932-33 appropriations in rider authority.

Note 4—(Road Bond Ind.). 1932-33 appropriations made for 1933 only.

Note 5—(Totals). \$7.00 difference due to odd cents being eliminated.

# **Educational.**

Departments.	Combined Totals.	
	1932 1933	1934 1935
A. and M. College, Main Building .....	\$ 1,653,590	\$ 1,133,042
A. and M. College, Experimental Stations .....	683,982	480,522
A. and M. College, Extension Service .....	530,758	398,070
A. and M. College, Rodent Control .....	27,600	20,700
A. and M. College, Firemen's School .....		8,000
Texas Forest Service .....	129,610	156,478
Prairie View Normal .....	403,410	263,394
John Tarleton Agricultural College .....	455,990	320,643
Library Assistant .....		2,160
North Texas Junior Agricultural College .....	345,480	225,782
University of Texas, Main University .....	2,633,350	1,862,146
University of Texas, Extra Mural .....	287,500	184,200
University of Texas, Medical School .....	477,160	345,325
College of Mines .....	217,880	212,742
Texas College for Women (C. I. A.) .....	752,550	524,135
Texas College of Arts and Industries .....	316,890	226,542
Texas Technological .....	890,600	633,875
North Texas Teachers College .....	713,400	525,044
Sam Houston Teachers College .....	469,810	286,697
Southwest Texas Teachers College .....	484,500	322,639
Stephen F. Austin Teachers College .....	377,640	261,783
Sul Ross Teachers College .....	260,995	149,019
East Texas Teachers College .....	480,000	381,989
West Texas Teachers College .....	514,824	282,544
State Board of Education .....		10,097
Claim of Annie C. Cook .....		2,400
State Comptroller, University of Texas .....	70,178	
<b>Totals .....</b>	<b>\$13,177,698</b>	<b>\$ 9,219,968*</b>

\*Difference in addition due to odd cents.

## MISCELLANEOUS APPROPRIATIONS.

## Regular Session Forty-second Legislature.

Bill No.	Purpose.	Amount
S. B. 12	Contingent expense—Forty-second Legislature.....	\$ 50,000.00
S. B. 11	Mileage and per diem—Forty-second Legislature .....	200,000.00
S. B. 75	Deficiency—fiscal year ending Aug. 31, 1931.....	162,725.00
H. B. 399	Summer school—year ending Aug. 31, 1931.....	254,000.00
H. B. 1053	Cigarette stamp tax .....	71,092.14
H. B. 29	Fort Parker Monument .....	1,500.00
S. B. 583	Miscellaneous claims—Treasury Department .....	883.58
S. B. 415	Rural aid .....	145,000.00
S. B. 621	Ranger force—miscellaneous .....	6,400.00
S. B. 621	Auditor's Department .....	2,100.00
S. B. 614	Tuberculin tests for cattle .....	10,000.00
H. B. 398	Emergency—State Government .....	626,299.74
S. B. 626	Emergency—Comptroller .....	115,000.00
H. B. 397	Deficiency—Judiciary .....	79,972.26
S. B. 624	Mileage and per diem—Forty-second Legislature .....	119,368.36
S. B. 103	Control and prevention of malaria .....	7,208.35
S. B. 525	Contingent expense—Forty-second Legislature.....	50,000.00
S. B. 524	Mileage and per diem—Forty-second Legislature .....	200,000.00
S. B. 263	Rural school aid .....	5,000,000.00
S. B. 367	Frost Independent School District .....	14,727.00

## Constitutional Amendment Publication:

S. J. R. No. 26.....	\$ 3,000.00
H. J. R. No. 24.....	5,000.00
H. J. R. No. 12.....	10,000.00
H. J. R. No. 1.....	5,000.00
H. J. R. No. 5.....	5,000.00
H. J. R. No. 26.....	5,000.00
H. J. R. No. 6.....	5,000.00
H. J. R. No. 21.....	5,000.00
S. J. R. No. 28.....	5,000.00
	<b>\$ 48,000.00</b>

## First Called Session.

H. B. 1	Mileage—per diem and contingent.....	\$ 150,000.00
H. B. 75	Mileage—per diem and contingent.....	50,000.00

## Second Called Session.

H. B. 1	Mileage—per diem and contingent.....	\$ 50,000.00
S. B. 37	Sand and shell tax refunds .....	52,676.81
S. B. 8	Valentine Independent School District.....	2,500.00
H. B. 76	Mileage—per diem and contingent.....	50,000.00

## Third Called Session.

H. B. 1	Mileage—per diem and contingent.....	\$ 50,000.00
S. B. 12	Brazoria County School District .....	18,750.00
S. B. 11	West Columbia School District .....	13,775.00
H. B. 87	Mileage—per diem and contingent .....	50,000.00
H. B. 62	Needville Independent School District.....	1,500.00

## Fourth Called Session.

H. B. 1	Mileage—per diem and contingent .....	\$ 50,000.00
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Total Miscellaneous Appropriations not shown in budget \$7,703,477.81

## MISCELLANEOUS APPROPRIATIONS.

## Regular Session, Forty-third Legislature.

Bill No.	Purpose.	Amount.
S. B. 3	Contingent expense .....	\$ 50,000.00
S. B. 2	Mileage and per diem .....	200,000.00
S. B. 169	Per diem district attorneys .....	106,800.00
H. B. 415	Agricultural Department emergency .....	7,500.00
S. B. 16	Pay of Presidential electors .....	1,500.00
S. B. 70	Taxes of Sugarland Independent District .....	3,843.00
S. B. 256	Salaries of special district judges .....	6,967.74
H. B. 479	Salaries of special district attorneys .....	8,226.66
S. B. 136	Sand and shell tax refund .....	28,938.08
S. B. 441	Contingent expense .....	50,000.00
S. B. 442	Mileage and per diem .....	200,000.00
S. B. 95	Governor's deficiencies .....	200,000.00
S. B. 248	Livestock Sanitary Commission .....	49,000.00
S. B. 268	Taxes on prison lands .....	16,317.00
H. B. 897	Relief Commission .....	100,000.00
S. B. 234	Taxes—Fort Bend County .....	12,012.79
S. B. 265	Taxes—Brazoria School District .....	1,170.20
S. B. 287	Taxes—Freeport School District .....	1,332.42
S. B. 251	Armory rentals .....	67,360.62
S. B. 557	Contingent expense .....	25,000.00
S. B. 558	Mileage and per diem .....	100,000.00
S. B. 553	Publishing laws—postage .....	15,500.00
H. B. 256	Rural aid .....	6,000,000.00
S. B. 242	Rural aid—deficiency .....	1,620,041.00
S. B. 100	Comptroller's Deficiency Certificates .....	211,729.66
S. B. 468	Vault rental .....	566.65
H. B. 919	Miscellaneous claims ..... (E)	750,000.00
S. B. 472	Summer schools .....	221,750.00
	Constitutional amendments ..... (E)	50,000.00
Total .....		\$10,105,556.00

**Summary.**

		Combined Totals.	
		1932	1934
		1933	1935
Departments.			
Judicial		\$ 5,699,515	\$ 3,912,675
Eleemosynary		10,786,383	8,005,684
Departmental		16,192,436	11,572,800
Educational		13,177,698	9,219,968
Total, Four Major Appropriations*		\$45,856,032	\$32,711,127
Miscellaneous Appropriations		7,703,478	10,105,556
GRAND TOTALS		\$53,559,510	\$42,816,683

\*The sums shown for the 1932-1933 appropriations for the four major bills are the figures shown in the Control's 7th Biennial Budget.

**S. C. R. No. 87.**

Senator Poage sent up the following resolution:

Be It Resolved by the Senate of Texas, the House of Representatives concurring, That the joint rule prohibiting the consideration of bills pending before either House within twenty-four hours of the date of sine die adjournment, be and the same is hereby suspended in so far as same relates to the passage of H. B. No. 831, and no further.

POAGE,  
SANDERFORD,  
RAWLINGS,  
WOODUL,  
PACE,  
STONE,  
WOODRUFF,  
SMALL,  
DUGGAN,  
HORNSBY.

The resolution was read.

Senator Purl sent up the following amendment:

Amend concurrent resolution to include consideration of H. B. No. 672.

PURL,  
SMALL.

The amendment was read.

Senator Martin raised the point of order that the hour for the executive session had arrived.

The Chair, Lieutenant Governor Edgar E. Witt, sustained the point of order.

Senator Poage moved to reconsider the vote by which the executive session was set for 5 o'clock p. m. today. The motion was lost by the following vote:

Yeas—13.

Collie.	Rawlings.
Duggan.	Regan.
Fellbaum.	Small.
Hornsby.	Woodruff.
Moore.	Woodul.
Poage.	Woodward.
Purl.	

Nays—15.

Beck.	Martin.
Blackert.	Murphy.
DeBerry.	Neal.
Greer.	Pace.
Hopkins.	Parr.

Patton.  
Redditt.  
Russek.

Sanderford.  
Stone.

Present—Not Voting.

Oneal.

Absent.

Holbrook.

Absent—Excused.

Cousins.

**Free Conference Report.**

Senator Moore received unanimous consent to send up the following Free Conference Committee report:

Committee Room,

Austin, Texas, May 27, 1933.

Hon. Edgar E. Witt, President of the Senate.

Hon. Coke R. Stevenson, Speaker of the House of Representatives.

Sirs: We, your conferees appointed to adjust the differences between the House and Senate on

S. B. No. 338, A bill to be entitled "An Act amending Articles 6205, 6208, 6226, and re-enacting Articles 6214, 6220 and 6221 providing for the payment of pensions to indigent Confederate soldiers or sailors and their widows; providing for the payment of such pensions to indigent Confederate soldiers or sailors and indigent widows of Confederate soldiers or sailors who have been bona fide residents of this State since January 1st, 1921, and who were married to such Confederate soldiers or sailors prior to January 1st, 1915, and who lived with such Confederate soldier or sailor continuously in this State for at least ten (10) years prior to January 1st, 1931, or one year prior to January 1, 1885, and immediately prior to the death of such soldier or sailor; and providing that no widow born since January 1st, 1865, shall be entitled to a widow's pension; providing for maximum and minimum amounts to be paid; providing further that a widow entitled to a pension under this Act but who remarried a man other than such Confederate soldier or sailor shall not be entitled to a pension, but shall not be barred from receiving a pension under certain circumstances; establishing certain applica-

tion requirements and defining indigency; making a provision for striking from the rolls the name of any person who has been granted a pension through fraud or perjury, or who has acquired property or annuity, emolument or favor; repealing all laws or parts of laws in conflict herewith; and declaring an emergency."

Beg leave to report that the differences have been adjusted, and we recommend the adoption of the accompanying committee substitute bill.

GOOD,  
VAUGHAN,  
FUCHS,  
RENFRO.

On part of the House.

MOORE,  
WOODUL,  
POAGE,  
DeBERRY.

On part of the Senate.

By Moore. C. S. S. B. No. 338.

#### A BILL

#### To Be Entitled

An Act amending Articles 6205, 6208, 6226 and re-enacting Articles 6214, 6220 and 6221 providing for the payment of pensions to indigent Confederate soldiers or sailors and their widows; providing for the payment of such pensions to indigent Confederate soldiers or sailors and indigent widows of Confederate soldiers or sailors who have been bona fide residents of this State since January 1, 1921, and who were married to such Confederate soldiers or sailors prior to January 1, 1915, and who lived with such Confederate soldier or sailor continuously in this State for at least ten (10) years prior to January 1, 1931, or one year prior to January 1, 1885, and immediately prior to the death of such soldier or sailor; and providing that no widow born since January 1, 1865, shall be entitled to a widow's pension; providing for maximum and minimum amounts to be paid; providing further that a widow entitled to a pension under this Act but who remarried a man other than such Confederate soldier or sailor shall not be entitled to a pension, but shall not be barred from receiving a pension under certain circum-

stances; establishing certain application requirements and defining indigency; making a provision for striking from the rolls the name of any person who has been granted a pension through fraud or perjury, or who has acquired property or annuity, emolument or favor; repealing all laws or parts of laws in conflict herewith; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Article 6205, Title 109, Revised Civil Statutes of 1925, as amended by Acts 1931, Forty-second Legislature, page 434, Chapter 262, Section 2, be and the same is hereby amended so as to hereafter read as follows:

"Article 6205. Out of the Pension Fund to be created and maintained under the provisions of Article 6204 as amended, there shall be paid on the first day of each calendar month a pension in the amount provided for in Article 6221 as amended, to every indigent Confederate soldier or sailor whose application has heretofore been approved; and also those who came to Texas prior to January 1, 1921, and whose application shall hereafter be approved; and to their widows if they be in indigent circumstances, and whose applications have heretofore been approved and also those who have been bona fide residents of this State since January 1, 1921, and whose applications shall hereafter be approved and who were married to such soldiers or sailors prior to January 1, 1915, and who lived with such soldier or sailor continuously in Texas for at least ten (10) years prior to January 1, 1931, or, one year prior to January 1, 1885, and prior to the death of such sailor or soldier and to soldiers who, under the Special Laws of the State of Texas during the war between the States, served in organizations for the protection of the frontier against Indian raiders and Mexican marauders, and to soldiers of the militia of the State of Texas who were in active service during the war between the States, and to soldiers of the militia of any other Confederate State who were in active service during the war and who came to Texas at least ten (10) years prior to the approval hereafter of his application for a pension; and to indigent soldiers coming under the

conscript acts of the Confederate States of America dated April 16, 1862, and February 17, 1864, which soldiers were appointed to official or other service in the State of Texas requiring the carrying of arms during the war between the States, and to all soldiers and sailors in indigent circumstances and widows of all soldiers and sailors in indigent circumstances eligible to be placed upon the pension roll and participate in the distribution of the Pension Fund of this State under any existing law or laws hereafter enacted; providing that no widow born since January 1, 1870, shall be entitled to a widow's pension; a widow entitled to a pension under this Act but who remarries a man other than a Confederate soldier or sailor shall not be entitled to a pension but shall not be barred from receiving a pension in the event she should be left a widow in indigent circumstances after such remarriage so long as she remains a widow."

Sec. 2. That Article 6208, Title 109, Revised Civil Statutes of the State of Texas, 1925, as amended by Acts 1931, Forty-second Legislature, Regular Session, page 434, Chapter 262, Section 5, be and the same is hereby amended so as to hereafter read as follows:

"Article 6208. Application Requirements. Persons entitled to a pension under this title shall make application for same in writing and under oath to the county judge of his or her county. Such application shall state the name, age, residence of the applicant, and occupation, if any, his or her physical condition, and every fact necessary to entitle the applicant to the pension. If the applicant is such a soldier or sailor as is prescribed herein, he shall state in his application the company and regiment in which he was enlisted; if he served in an organization for the protection of the frontier against Indian raids or Mexican marauders, he shall name and identify such organization; if he were an officer commissioned by the President of the Confederate States or by the Governor, or other proper authority of this State, in the army, navy, militia or frontier organization, he shall state the date of his commission and his rank therein; and if detailed directly under the provisions of the conscript law for duty in the armories or shops of the Confederate

Government, or of any other labor necessary for the maintenance of the army in the field, or if he served in the Confederate Navy, he shall state the time of service in each case. Each applicant shall state in his application what property and income he possesses, and furnish the testimony of at least two credible witnesses who personally know that he enlisted in the service and performed the duties as claimed by him. If he can not secure the testimony of two witnesses, he may furnish documents or other evidence of his service. Provided that where the applicant was born prior to 1851 he may make his proof by submitting to the county judge an affidavit stating his name, age, residence, occupation, if any, his or her physical condition, what property and income he or she possesses, together with every fact necessary to entitle him to a pension. Such affidavit when executed shall be accompanied by a sworn statement of at least two (2) credible witnesses who have known the applicant for a period of not less than ten (10) years and who are in no way related to or interested in the financial welfare of such applicant, and that the applicant is a credible person, and that they believe the statements entitling him to a pension are true and correct."

Sec. 3. That Article 6214, Title 109, Revised Civil Statutes of the State of Texas, 1925, as amended by Acts 1927, Fortieth Legislature, Regular Session, page 146, Chapter 95, Section 1, and as repealed by Acts 1927, Fortieth Legislature, Fifth Called Session, page 251, Chapter 82, Section 5, be and the same is hereby re-enacted into the Revised Civil Statutes of the State of Texas, and it shall hereafter read as follows:

"Article 6214. What Constitutes Indigency. To constitute indigency within the meaning of this title, neither the applicant, nor his wife, if married, nor both together, nor the widow, if the applicant be a widow, shall own property, real or personal, exceeding in value fifteen hundred dollars (\$1500.00), exclusive of homestead, and if its assessed value be not in excess of three thousand dollars (\$3,000.00), and exclusive of household goods and wearing apparel, and such applicant shall not have an income, annuity, or emolument of office or

wages for services in excess of three hundred (\$300.00) dollars per year, nor in receipt of aid or of a pension from any state or the United States. Only the indigent under the foregoing definition, shall be entitled to a pension under this title. Provided that the Comptroller of Public Accounts shall be required to make a careful investigation in the case of each pensioner now on the roll and of each applicant for a pension to determine whether or not the pensioner or the applicant is in reality indigent under the foregoing definition."

Sec. 4. That Article 6226, Revised Civil Statutes of the State of Texas, 1925, as amended by Acts 1930, Forty-first Legislature, Fifth Called Session, page 251, Chapter 82, Section 4, be and the same is hereby amended so as to hereafter read as follows:

"Article 6226. Shall Strike From Roll. When it comes to the knowledge of the Comptroller that any person has been granted a pension through fraud or perjury, or that anyone on the pension roll has acquired property or annuity, emolument or favor of the heirs or legal representatives of the deceased person had such conditions existed at the date of said application, he shall strike the name of such person from the pension roll."

Sec. 4a. That Article 6221, Revised Civil Statutes of the State of Texas, 1925, as amended by Chapter 262, Acts of the Regular Session of the Forty-second Legislature, 1931, be and the same is hereby amended so as to hereafter read as follows:

"Article 6221. Appropriation How Allotted. On the first day of each calendar month the Comptroller shall pay to each married veteran, who is living with his wife, a pension of fifty (\$50.00) dollars, per month for as long as they both may live, and after the death of either party, then the said veteran or his widow still living shall only draw an amount equal to either veteran's or their widow's. To each veteran now unmarried or a widower or widow, who is drawing a pension or whose application may be hereafter approved shall be paid the sum of twenty-five (\$25.00) dollars per month for each year; provided, however, that a widow under the age of seventy-five (75) years shall receive only twelve and 50/100

(\$12.50) dollars per month from this fund; and provided further, that the age given in the original application shall govern. All pensions shall begin on the first day of each calendar month following the approval of the application."

Sec. 4b. That Article 6220, Revised Civil Statutes of the State of Texas, 1925, be and the same is hereby amended so as to hereafter read as follows:

"Article 6220. Persons Not Entitled To. No person shall, while confined in any asylum of this State, at the expense of the State, or while confined in the State Penitentiary, receive a pension, and any person having been granted a pension who shall afterwards be confined in an asylum of this State, at the expense of the State, or who shall be confined in the State Penitentiary shall, while an inmate of such asylum or penitentiary, forfeit his pension, and no pensioner who leaves this State for a period of over six months shall draw a pension while so absent; provided that any person who has been granted a pension under this law, and who thereafter is admitted as an inmate of the Confederate Home or is thereafter admitted as an inmate of the Confederate Woman's (Woman's) Home of this State, shall thereafter be entitled to receive pension payments of the amount of seven and 50/100 (\$7.50) dollars per month, and each couple (husband and wife) inmates in the Confederate Home shall be entitled to receive fifteen (\$15.00) dollars per month."

Sec. 5. All laws or parts of laws in conflict with any of the provisions of this Act be and the same are hereby in all things repealed.

Sec. 6. The fact that under the existing law the State is paying out many thousands of dollars to individuals who are in no need of financial support, and the fact that at the present time there exists an enormous deficit in the Confederate Pension Fund, making it necessary that the administration of such funds be placed upon a more economical basis so that the more needy may be cared for, creates an emergency and an imperative public necessity demanding that the constitutional rule requiring bills to be read on three several days in each house be and the same is hereby suspended, and this Act shall take

effect and be in force from and after its final passage, and it is so enacted.

Read and adopted by the following vote:

Yeas—14.

Collie.	Moore.
DeBerry.	Murphy.
Duggan.	Oneal.
Fellbaum.	Parr.
Hopkins.	Poage.
Hornsby.	Regan.
Martin.	Woodruff.

Nays—13.

Greer.	Redditt.
Holbrook.	Russek.
Neal.	Sanderford.
Pace.	Small.
Patton.	Stone.
Purl.	Woodward.
Rawlings.	

Absent.

Beck.	Woodul.
Blackert.	

Absent—Excused.

Cousins.

Executive Session.

The Chair announced that the hour for the executive session had arrived. The Chamber was cleared and the doors were locked.

After Executive Session.

At the conclusion of the executive session, the Secretary of the Senate informed the Journal Clerk that the following action had been taken:

Committee Room,

Austin, Texas, May 31, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Governor's Nominations, beg to report that we have considered the appointees recommended by the Governor, and I, as Chairman of said committee, am instructed to recommend that the following named persons be in all things confirmed:

To be branch pilots for the Port of Galveston and Texas City:

H. H. Haden of Galveston County;  
Lewis Locke of Galveston County;  
H. L. Babcock of Galveston County;  
B. F. Pomeroy of Galveston County;

A. M. Carlson of Galveston County;  
V. C. Amburn of Galveston County;  
H. D. Wetmore of Galveston County;  
J. J. Dalehite of Galveston County;  
W. A. Leech of Galveston County;  
Ralph Willoughby of Galveston County.

To be branch pilots for Aransas Pass Bar and Tributaries:

James E. Cotter of Nueces County;  
Cooper B. Walker of Nueces County.

To be branch pilots for Port Isabel:

Hon. Joseph A. Kelly of Cameron County.

To be branch pilot for Sabine Pass and Tributaries:

Hon. Carl Bancroft of Orange County.

To be a member of the State Board of Barber Examiners:

Hon. R. M. Huey of Bell County, to fill the unexpired term of Hon. Eldon L. Smith, resigned.

Members of the Board of Managers of North Texas Junior Agricultural, Mechanical and Industrial College, Arlington, Texas:

Hon. O. O. Touchstone, Dallas, Dallas County; Hon. W. P. McLean, Jr., Fort Worth, Tarrant County; Hon. Thomas Spruance, Arlington, Tarrant County; Hon. S. R. Yates, Arlington, Tarrant County; Hon. P. L. Coulter, Arlington, Tarrant County.

SANDERFORD, Vice-Chairman.  
Adopted.

S. C. R. No. 88.

Senator Purl sent up the following resolution:

Be it resolved by the Senate of Texas, the House concurring, That Joint Rule No. 11 be suspended for the purpose of taking up and finally passing the Loan Shark Bill known as House Bill No. 672.

PURL,  
POAGE,  
WOODWARD,  
SMALL.

Read and lost by the following vote:

Yeas—15.

Duggan.	Hornsby.
Greer.	Neal.
Holbrook.	Pace.

Poage.  
Purl.  
Rawlings.  
Regan.  
Sanderford.

Small.  
Woodruff.  
Woodul.  
Woodward.

Nays—12.

Collie.  
Fellbaum.  
Hopkins.  
Martin.  
Moore.  
Murphy.

Oneal.  
Parr.  
Patton.  
Redditt.  
Russek.  
Stone.

Present—Not Voting.

DeBerry.

Absent.

Beck. Blackert.

Absent—Excused.

Cousins.

(Two-thirds vote required.)

S. C. R. No. 87.

The question recurred upon the amendment by Senator Purl to S. C. R. No. 87.

Senator Hopkins raised the point of order that since S. C. R. No. 85, suspending the 24-hour rule for all bills, had been lost and a motion to reconsider had been tabled and no effort had been made to amend the resolution, no resolutions to suspend the 24-hour rule for particular bills were in order.

The Chair, Lieutenant Governor Edgar E. Witt, overruled the point of order.

Senator Purl withdrew his amendment.

Senator Redditt sent up the following amendment:

Amend S. C. R. No. 87 by adding after the figure 831 the following: "and H. B. 484 and no further."

REDDITT.

The amendment was read.

Senator Redditt raised the point of order that the resolution must be referred to a committee.

The Chair, Lieutenant Governor Edgar E. Witt, sustained the point of order.

Senator Poage moved to suspend

the rule requiring resolutions to be referred before consideration. The motion was lost by the following vote:

Yeas—14.

Duggan.  
Greer.  
Holbrook.  
Hornsby.  
Neal.  
Oneal.  
Pace.

Poage.  
Rawlings.  
Sanderford.  
Small.  
Stone.  
Woodruff.  
Woodul.

Nays—11.

Collie.  
DeBerry.  
Hopkins.  
Martin.  
Moore.  
Murphy.

Parr.  
Patton.  
Purl.  
Redditt.  
Russek.

Absent.

Beck.  
Blackert.  
Fellbaum.

Regan.  
Woodward.

Absent—Excused.

Cousins.

(Two-thirds vote required.)

S. C. R. No. 89.

Senator Holbrook sent up the following resolution:

Be it resolved by the Senate, the House of Representatives concurring, That the 24-hour rule be waived as to H. B. No. 241, it being an appropriation bill pending on the Senate calendar.

HOLBROOK.

Read and lost by the following vote:

Yeas—8.

Greer.  
Holbrook.  
Hornsby.  
Neal.

Patton.  
Purl.  
Stone.  
Woodul.

Nays—20.

Collie.  
DeBerry.  
Duggan.  
Fellbaum.  
Hopkins.  
Martin.  
Moore.

Murphy.  
Oneal.  
Pace.  
Parr.  
Poage.  
Rawlings.  
Redditt.

Regan. Small.  
 Russek. Woodruff.  
 Sanderford. Woodward.

Absent.

Beck. Blackert.

Absent—Excused.

Cousins.

#### Free Conference Report.

Senator Small sent up the following Free Conference Committee report:

Committee Room,  
 Austin, Texas, May 31, 1933.

Hon. Edgar E. Witt, President of the Senate.

Hon. Coke R. Stevenson, Speaker of the House of Representatives.

Sirs: We, your Free Conference Committee, appointed to adjust the differences between the two Houses on S. B. No. 259, have had the same under consideration, and we recommend that said bill be passed in the form as attached hereto.

STONE,  
 WOODRUFF,  
 SMALL,  
 DUGGAN,  
 RAWLINGS.

On part of the Senate.

PATTERSON,  
 ROGERS, of Ochiltree,  
 KAYTON.

On part of the House.

By Small. S. B. No. 259.

#### A BILL

#### To Be Entitled

An Act authorizing the governing boards of the Agricultural and Mechanical College of Texas including the State Agricultural Experiment Station System, and the Extension Service and Rodent Control Service and the Texas Forest Service, North Texas Agricultural College, John Tarleton Agricultural College, Prairie View State Normal and Industrial College, University of Texas, including all branches of the University and the College of Mines and Metallurgy at El Paso, College of Industrial Arts, Texas College of Arts and Industries, Texas Technological College, East Texas State Teachers College at Commerce, North Texas State Teachers Col-

lege at Denton, Sam Houston State Teachers College at Huntsville, Stephen F. Austin State Teachers College at Nacogdoches, Southwest Texas State Teachers College at San Marcos, Sul Ross State Teachers College at Alpine, and the West Texas State Teachers College at Canyon to retain control of fees and other local institutional income collected at said schools; defining such fees and local institutional income; providing for depository banks where said funds shall be deposited; providing for security for such deposits and the manner of making such deposits; providing for interest on said deposits; providing for terms of surety bonds furnished to secure such deposits and fixing the venue of suits to recover thereon; providing for separate accounts showing the sources of local fees collected and the purposes for which expended; providing for the handling of trust funds by said schools; providing for the printing of biennial reports showing all receipts and expenditures and for furnishing of said reports to certain State officers and members of certain committees of the Legislature; providing that the provisions of this Act shall not apply to income from the University Permanent Fund; providing penalties for violation of this Act; providing that if any part of this Act be held unconstitutional, said holding shall not affect the validity of the remainder of the Act, and providing that all laws or parts of laws in conflict herewith, or contrary to this Act, be and they are hereby repealed, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. The governing boards of the Agricultural and Mechanical College of Texas, including the State Agricultural Experiment Station System and the Extension Service and Rodent Control Service, the Texas Forest Service, North Texas Agricultural College, John Tarleton Agricultural College, Prairie View State Normal and Industrial College, University of Texas, including all branches of the University and the College of Mines and Metallurgy at

El Paso, College of Industrial Arts, Texas College of Arts and Industries, Texas Technological College, East Texas State Teachers College at Commerce, North Texas State Teachers College at Denton, Sam Houston State Teachers College at Huntsville, Stephen F. Austin State Teachers College at Nacogdoches, Southwest Texas State Teachers College at San Marcos, Sul Ross State Teachers College at Alpine, and the West Texas State Teachers College at Canyon, may retain control respectively of the following sums of money collected at each of said several institutions in carrying out the functions of an educational institution, such as funds collected from student fees of all kinds; charges for use of rooms and dormitories; receipts from meals, cafes and cafeterias; fees on deposit refundable to students under certain conditions; receipts from school athletic activities; income from student publications or other student activities; receipts from sale of publication products and miscellaneous supplies and equipment; students' voluntary deposits of money with said schools for safe keeping; all other fees and local institutional income of a strictly local nature arising out of and by virtue of the educational activities, or research or demonstration carried on by each and all of said several schools.

Sec. 2. The governing boards of the respective institutions named in Section One above are authorized to select depository banks as places of deposit of all funds of the kind and character named in Section One, which are collected by said institutions, and said boards shall require adequate surety bonds or securities to be posted to secure said deposits, and may require additional security at any time any of said boards deem any said deposit inadequately secured. All funds of the character named in Section One hereof, which are so collected shall be deposited in said depository bank or banks within five days from the date of collection. Depository banks so selected are hereby authorized to pledge their securities to protect such funds. All depositories so designated shall pay interest on said deposits at a rate to be agreed upon

by said depositories and said governing boards. Any surety bond furnished under the provisions of this Act shall be payable to the Governor of the State and his successors in office, and venue of suit to recover any amount claimed by the State to be due on any of said bonds is hereby fixed in Travis County, Texas.

Sec. 3. Separate accounts shall be kept on the books of the respective institutions showing the sources of all sums collected, and the purposes for which expended. All trust funds handled by the governing bodies of such institutions shall be deposited in separate accounts and shall not be commingled with the general income from student fees or other local institutional income, and all such trust funds shall be secured by separate bonds or securities.

Sec. 4. True and full accounts shall be kept by the governing boards and by the employees of the said several institutions hereinabove mentioned of all funds collected from all sources by said institutions, and all the sums paid out by said several institutions and the persons to whom and the purposes for which said sums are paid, and the governing board of each of said institutions named shall biennially, and more often, if the governing board of any of said institutions shall so order, print a complete report of all sums collected, all expenditures, and of the sums remaining on hand; said report to be printed in even numbered years after the first day of September and before the first day of the following January, and shall show the true condition of all of said funds as of the 31st day of August preceding, and shall show all collections and expenditures for the preceding two years. The governing board of each of said several institutions, shall, upon the printing of said report, furnish copies thereof to the Governor, State Treasurer, State Comptroller of Public Accounts, State Auditor, Attorney General, not less than three copies to the Board of Control, and shall, within a week after the selection of said committee, furnish a copy of each of said reports for the preceding biennium to each member of the House Appropriations Committee, the Senate Fi-

nance Committee, and the House and Senate Committees on Education of each Regular Biennial Session of the Legislature of Texas.

Sec. 5. The provisions of this Act shall not apply to any income derived from the Permanent Fund of the University of Texas, but all income derived from the Permanent Fund of the University of Texas and all income from the two million acres of land set apart to the University of Texas by the Constitution and by the Act of 1883, shall be deposited in the State Treasury and paid out on Comptroller's warrants as is now provided by law. All income to the Available University Fund shall be deposited with the State Treasurer within five days after receipt thereof by any State officer, agent or employee and shall be expended in accordance with Chapter 42, General Laws, Regular Session, Forty-second Legislature, 1931.

Sec. 6. The provisions of this Act shall apply only to the funds hereinabove specifically enumerated and other local institutional income or donations or gifts to said schools.

Sec. 7. Any State officer, agent, employee or member of a governing board of any of the above named institutions, or any other person who violates any provision of this Act shall be deemed guilty of a misdemeanor and shall be punished by a fine of not less than fifty (\$50.00) dollars, nor more than five hundred (\$500.00) dollars, and in addition may be sentenced to not less than fifteen (15) days nor more than three (3) months in the county jail. Failure to print and furnish to the officers above named, the reports above specified, shall subject all of the members of the governing board of the institutions above mentioned to the penalties provided for in this section of the Act. Every day in excess of the number of days hereinabove provided for that any sum of money belonging to any of the funds enumerated in this Act, whether depositable in special depositories or whether those that should be deposited in the State Treasury, shall be withheld from deposit at its proper place of deposit, shall constitute a separate offense and each day of such withholding shall subject the officer, agent, em-

ployee or person so withholding said sum to the penalties herein provided for.

Sec. 8. If any section, part or sentence of this Act shall be held unconstitutional, such holding shall not affect the remaining portions of this Act, and it is hereby declared that the Legislature would have enacted that part which is constitutional without having enacted the unconstitutional part, if any; and provided that all laws, or parts of laws, in conflict herewith, or contrary to this Act, be and they are hereby repealed.

Sec. 8a. No part of any of these funds shall ever be used to increase any salary beyond the sum fixed by the Legislature in the appropriations bill, and this law shall be subordinate and subservient to the biennial appropriation bills for the support of the several institutions herein mentioned.

Sec. 9. The fact that under the present laws all the above institutions are withholding certain sums of money under a practice which has been established by them for a considerable period of time, and the fact that said institutions are scattered in various portions of the State and it would work a great hardship on said schools to place their moneys in the local funds in the State Treasury and the further fact that existing laws do not provide for security of deposits placed in local depositories, and the further fact that existing laws do not provide for any adequate system of accounting by which the Legislature and the people of the State may be apprized of the amounts on hand and being expended by said institutions, creates an emergency and an imperative public necessity requiring the suspension of the constitutional rule for the reading of bills on three several days in each House, and said rule is hereby suspended, and this Act is made to take effect from and after its passage, and it is so enacted.

The report was read.

Senator Collie moved to lay the report on the table subject to call. The motion was lost.

The report was adopted by the following vote:

## Yeas—25.

Duggan.	Poage.
Fellbaum.	Purl.
Greer.	Rawlings.
Holbrook.	Redditt.
Hopkins.	Regan.
Hornsby.	Russek.
Martin.	Sanderford.
Murphy.	Small.
Neal.	Stone.
Oneal.	Woodruff.
Pace.	Woodul.
Parr.	Woodward.
Patton.	

## Nays—2.

Collie.	DeBerry.
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## Absent.

Beck.	Moore.
Blackert.	

## Absent—Excused.

Cousins.

## House Bill No. 322.

Senator Collie called up from the table the free conference committee report on H. B. No. 322.

## Recess.

On motion of Senator Patton the Senate, at 6:10 o'clock p. m., recessed until 10 o'clock tomorrow morning.

## APPENDIX.

## Committee on Enrolled Bills.

Committee Room,  
Austin, Texas, May 31, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We your Committee on Enrolled Bills, have had S. B. No. 191 carefully examined and compared, and find same correctly enrolled.

GREER, Chairman.

Committee Room,  
Austin, Texas, May 31, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 283 carefully examined and compared, and find same correctly enrolled.

GREER, Chairman.

## Committee Room.

Austin, Texas, May 31, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We your Committee on Enrolled Bills, have had S. B. No. 514 carefully examined and compared, and find same correctly enrolled.

GREER, Chairman.

Committee Room,  
Austin, Texas, May 31, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We your Committee on Enrolled Bills, have had S. B. No. 546 carefully examined and compared, and find same correctly enrolled.

GREER, Chairman.

Committee Room,  
Austin, Texas, May 31, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 412 carefully examined and compared, and find same correctly enrolled.

GREER, Chairman.

Committee Room,  
Austin, Texas, May 31, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 239 carefully examined and compared, and find same correctly enrolled.

GREER, Chairman.

Committee Room,  
Austin, Texas, May 31, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 392 carefully examined and compared, and find same correctly enrolled.

GREER, Chairman.

Committee Room,  
Austin, Texas, May 31, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 370 carefully examined and compared, and find same correctly enrolled.

GREER, Chairman.

Committee Room,  
Austin, Texas, May 31, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on En-

rolled Bills, have had S. B. No. 355 carefully examined and compared, and find same correctly enrolled.

GREER, Chairman.

Committee Room,  
Austin, Texas, May 31, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 62 carefully examined and compared, and find same correctly enrolled.

GREER, Chairman.

Committee Room,  
Austin, Texas, May 31, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 504 carefully examined and compared, and find same correctly enrolled.

GREER, Chairman.

Committee Room,  
Austin, Texas, May 31, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 145 carefully examined and compared, and find same correctly enrolled.

GREER, Chairman.

Committee Room,  
Austin, Texas, May 31, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 567 carefully examined and compared, and find same correctly enrolled.

GREER, Chairman.

Committee Room,  
Austin, Texas, May 31, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 296 carefully examined and compared, and find same correctly enrolled.

GREER, Chairman.

Committee Room,  
Austin, Texas, May 31, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 481 carefully examined and compared, and find same correctly enrolled.

GREER, Chairman.

Committee Room,  
Austin, Texas, May 31, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 209 carefully examined and compared, and find same correctly enrolled.

GREER, Chairman.

Committee Room,  
Austin, Texas, May 31, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. C. R. No. 84, carefully examined and compared, and find same correctly enrolled.

GREER, Chairman.

### Committee Reports.

Committee Room,  
Austin, Texas, May 30, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Contingent Expense, to whom was referred

S. S. R. No. 123, Relating to the sending of a representative of the Texas Senate to the First Legislative Assembly's second meeting which will occur before the next Legislature convenes, and providing for the payment of expenses of such representative not to exceed three hundred (\$300.00) dollars.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WOODRUFF, Chairman.

Committee Room,  
Austin, Texas, May 30, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Contingent Expense, to whom was referred

S. R. No. 42, Whereas, Mrs. Hugh Harris, formerly of Temple, Texas, now of Austin, Texas, has for the past number of sessions been employed in the Senate; and has capably and diligently discharged the duties to which she was assigned; and

Whereas, She is still capable of rendering a valuable service to the Legislature; and

Whereas, She is the wife of the late Senator Hugh Harris, and is

now in dire need of employment; be it

Resolved, therefore, That the Senate permit the Lieutenant Governor to place Mrs. Harris in the employ of this Legislature.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WOODRUFF, Chairman.

Committee Room,

Austin, Texas, May 30, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Contingent Expense, to whom was referred

S. S. R. No. 92, Whereas, The two Texas flags now displayed over the President's desk in the Texas Senate are soiled and discolored by long use, and

Whereas, There is no sentimental or patriotic reason why these flags should not be restored to their original pristine brightness and freshness, or be replaced by newer and better flags, and

Whereas, As these two symbols of the Lone Star State should ever be before the eyes of members of the Texas Senate, and those who come within the walls of this chamber, as an inspiration for higher patriotic purposes; therefore, be it

Resolved, That on this San Jacinto Day, 1933, the Senate by unanimous vote call upon the Sergeant-at-Arms to do whatever is necessary toward Texas flags above mentioned the two Texas flags above mentioned, or to replace them with new flags."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WOODRUFF, Chairman.

Committee Room,

Austin, Texas, May 31, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 778, A bill to be entitled "An Act making it unlawful for any person to produce any crude petroleum within the State of Texas from any well or wells in excess of the amount of production allowed by the rules, regulations and orders of the Railroad Commission of Texas made and promulgated in pursuance of any law of this State and impos-

ing a penalty in addition to any penalty provided under any other law of this State in an amount equal to fifty (50) cents for each and every barrel of unlawful oil so produced, and giving the State a lien on all of such unlawful oil, said lien to attach as and when the same is produced, etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass.

HOPKINS, Chairman.

Committee Room,

Austin, Texas, May 30, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 87, A bill to be entitled "An Act to declare a closed season on the killing of blue quail, bob whites and doves in Yoakum and Scurry Counties for a period of five (5) years, prescribing a penalty therefor, and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

HOPKINS, Chairman.

Committee Room,

Austin, Texas, May 31, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. C. R. No. 83, Granting the Grand Lodge of the Order of the Sons of Hermann in the State of Texas permission to sue the State.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

HOPKINS, Chairman.

Committee Room,

Austin, Texas, May 30, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 476, A bill to be entitled "An Act ratifying and confirming a compact entered into by and between representatives of the State of Texas and the State of New Mexico author-

ized by Act of the Regular Session of the Forty-second Legislature and approved by the Governor on May 27, 1931, as shown in Chapter 251, Acts of the Forty-second Legislature."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

HOPKINS, Chairman.

Committee Room,  
Austin, Texas, May 30, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. C. R. No. 105, Granting Independent Oil Co., et al., of San Angelo, Texas, permission to sue the State.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

HOPKINS, Chairman.

Committee Room,  
Austin, Texas, May 30, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. C. R. No. 104, Permitting Commissioner of Agriculture to secure from Mexican Government authorization for dams on Rio Grande River.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

HOPKINS, Chairman.

Committee Room,  
Austin, Texas, May 30, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. C. R. No. 90, Granting Frank McKinney permission to sue the State.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

HOPKINS, Chairman.

Committee Room,  
Austin, Texas, May 30, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. C. R. No. 106, Granting Frank Demopulos, the owner of Royal Cleaners, Texarkana, Texas, permission to sue the State.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

HOPKINS, Chairman.

Committee Room,  
Austin, Texas, May 30, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 464, A bill to be entitled "An Act to permit Mrs. Lillie Stallings, et al. permission to sue the State; etc."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

HOPKINS, Chairman.

Committee Room,  
Austin, Texas, May 30, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. C. R. No. 77, Granting Ben Martin permission to sue the State.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

HOPKINS, Chairman.

Committee Room,  
Austin, Texas, May 31, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Congressional Districts, to whom was referred

H. B. No. 953, A bill to be entitled "An Act to amend Senate Bill No. 195, known as the Congressional Redistricting Bill, passed by the Forty-third Legislature at the Regular Ses-

sion thereof, by fixing the counties to hereafter compose the Second and Seventh Congressional Districts, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed, with the following committee amendment:

Amend Section 1 by striking Nacogdoches County out of the Second District and placing same in the Seventh District.

GREER, Chairman.

Committee Room,

Austin, Texas, May 31, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 947, A bill to be entitled "An Act repealing all local or special laws, affecting the taking or sale of fish, in so far as they pertain to Anderson County, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

REDDITT, Chairman.

Committee Room,

Austin, Texas, May 31, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

H. B. No. 861, A bill to be entitled "An Act ratifying and confirming a compact entered into by and between representatives of the State of Texas and the State of New Mexico, au-

thorized by Act of the Regular Session of the Forty-second Legislature and approved by the Governor on May 27, 1931, as shown in Chapter 251, Acts of the Forty-second Legislature; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

NEAL, Chairman.

## SEVENTY-FIFTH DAY.

(Continued.)

Senate Chamber,

Austin, Texas,

June 1, 1933.

The Senate met at 10 o'clock a. m., pursuant to recess, and called to order by Lieutenant Governor Edgar E. Witt.

### Supplemental Report.

Senator Woodward sent up the following supplemental report to be printed in the Journal:

Committee Room,

Austin, Texas, June 1, 1933.

Hon. Edgar E. Witt, President of the Senate.

Hon. Coke R. Stevenson, Speaker of the House of Representatives.

Sirs: We, your Committee appointed in connection with S. C. R. No. 67, wish to submit the following information as a supplemental report:

Appropriations made to cover deficiencies of the Forty-second Legislature, which are not debts incurred by the Forty-third Legislature, are as follows:

S. B. No. 95	Governor's Deficiencies .....	\$ 200,000.00
S. B. No. 100	Comptroller's Deficiency Certificates.....	211,729.66
S. B. No. 169	Reappropriation of Compensation of District Attorneys .....	106,800.00
S. B. No. 242	Rural Aid—deficiency .....	1,620,041.00
S. B. No. 248	Livestock Sanitary Commission.....	49,000.00
S. B. No. 251	Armory Rentals .....	67,360.62
S. B. No. 268	Taxes on Prison Lands.....	16,317.00
Total .....		\$ 2,271,248.28

After deducting the deficiencies of the Forty-second Legislature, the total reductions of the Forty-third Legislature amount to 24.30 %.

WOODWARD,

Chairman of the Senate Committee.

KAYTON,

Chairman of the House Committee.